

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-1	Organization	(1) The Alabama Alcoholic Beverage Control Board is comprised of three members who are appointed by the Governor with the advice and consent of the Senate. One member is designated by the Governor to serve as Chairman of the Board. The ABC Board shall hold meetings at such times as shall be necessary to transact the business affairs of the Agency. The time, date and location of each ABC Board meetings shall be provided to the public for a reasonable time prior thereto. (2) The ABC Board is vested with the authority to carry out the provisions of Title 28, Code of Ala. 1975, and to promulgate rules and regulations not inconsistent therewith. (3) The public may obtain information or make submissions or requests by contacting the Administrative Procedures Secretary, Alabama Alcoholic Beverage Control Board, P.O. Box 1151, Montgomery, Alabama 36101. The Secretary may also be contacted by calling (334) 2136304.	28-3-40; 41-22-4
20-X-2-.01	Glossary of Terms	Glossary Of Terms. The following words or phrases, whenever they appear in regulations 20-X-2 through 20-X-19, unless the context clearly indicates otherwise, shall have the meaning ascribed to them as follows: (1) Alcoholic Beverages. Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine. (2) Association. A partnership, limited partnership, limited liability company or any form of unincorporated enterprise owned by two or more persons. (3) Beer, or Malt or Brewed Beverages. Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume and not in excess of thirteen and nine-tenths percent by volume, by whatever name the same may be called.	28-3-1
20-X-2-.01 (cont.)	Glossary of Terms (cont.)	(4) Board. The Alabama Alcoholic Beverage Control Board. (5) Brandy. All beverages which are an alcoholic distillate from the fermented juice, mash, or wine of fruit, or from the residue thereof, produced in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to the beverage, as bottled at not less than 80 degree proof. (6) Carton. The package, container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer, its designated representatives or the importer. (7) Cash. Any United States legal tender currency, credit card, check, guaranteed check, electronic funds transfer, postal money order and/or state warrant. (8) Church. Church shall mean an entire house or structure set apart primarily for use for purposes of public worship, and whose sanctuary is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure is kept for that use and not put to any other use inconsistent therewith.	

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20-X-2-.01 (cont.)	Glossary of Terms (cont.)	<p>(9) Cider, A fermented alcoholic beverage made from apple juice and containing not more than 8.5 percent alcohol by volume. (10)(a) Club. Class I. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which, belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members. (b) Class II. A corporation or association organized or formed in good faith by authority of law and which must have at least 100 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.</p>	
20-X-2-.01 (cont.)	Glossary of Terms (cont.)	<p>(11) Corporation. A corporation or joint stock association organized under the laws of this state, territory or foreign country, or dependency. (12) Dry County. Any county which by a majority of those voting voted in the negative in an election heretofore held under the applicable statutes at the time of said election or may hereafter vote in the negative in an election or special method referendum hereafter held in accordance with the provisions of Chapter 2, Title 28, or held in accordance with the provisions of any act hereafter enacted permitting such election. (13) Dry Municipality. Any municipality within a wet county which has, by its governing body or by a majority of those voting in a municipal election heretofore held in accordance with the provisions of Section 28-2-22, or in a municipal option election heretofore or hereafter held in accordance with the provisions of Chapter 2A, Title 28, Code of Ala. 1975, as amended, or any act hereafter enacted permitting municipal option election, voted to exclude the sale of alcoholic beverages within the corporate limits of said municipality. (14) General Welfare Purposes. (a) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1; (b) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said Sections 38-2-5 and 38-4-1; (c) Service to and on behalf of dependent, neglected or delinquent children; and (d) Investigative and referral services to and on behalf of needy persons. (15) Hearing Commission. A body appointed by the Alabama Alcoholic Beverage Control Board to hear and decide all contested license applications and all disciplinary charges against any licensee for violation of this title or the regulations of the Board.</p>	

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20-X-2-.01 (cont.)	Glossary of Terms (cont.)	(16) Hotel. A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel and bed and breakfast, but shall not include a rooming house or boarding house. (17) Importer. Any person, association or corporation engaged in importing alcoholic beverages, liquor, wine or beer, manufactured outside of the United States of America into this state or for the sale or distribution in this state, or to the Board or to a wholesale licensee of the Board authorized to receive such product. (18) Industry Representative. A licensed manufacturer or any person who represents a licensed manufacturer of alcoholic beverages. This does not include a wholesale or retail licensee of the ABC Board. (19) Keg. A pressurized factory sealed container with a capacity equal to or greater than five US gallons, from which beer is withdrawn by means of an external tap. (20) License. License shall mean a contract between the Alabama Alcoholic Beverage Control Board and the licensee granting authority to said licensee to manufacture, sell, warehouse, distribute, or transport any alcoholic beverages in the manner provided by law.	
20-X-2-.01 (cont.)	Glossary of Terms (cont.)	(21) Licensed Premises. Any portion of the interior of any building or structure accessible to the public, employees, owners, licensees or agents of licensees, together with the curtilage thereof, and any living quarters contained therein. (22) Licensee. Any person, corporation, association or partnership holding a valid and duly issued ABC Board license. Said terms shall include both masculine and feminine gender and shall include both singular and plural when appropriate. (23) Liquor. Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks and drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer and table wine. (24) Liquor Store. A liquor store operated by the ABC Board where alcoholic beverages other than beer are authorized to be sold in unopened containers. (25) List Price. That wholesale and retail price established from time to time and printed in the price list issued by the ABC Board.	
20-X-2-.01 (cont.)	Glossary of Terms (cont.)	(26) Manufacturer. Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state or for sale or distribution in this state or to the ABC Board or to a licensee of the ABC Board. (27) Mead. An alcoholic beverage produced by fermenting a solution of honey and water with grain mash and containing not more than 18 percent alcohol by volume. (28) Meal. A diversified selection of food, some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about. (29) Minor. Any person under 21 years of age; provided, however, in the event Section 28-1-5, Code of Ala. 1975, shall be repealed or otherwise shall be no longer in effect, thereafter the provisions of Section 26-1-1, Code of Ala. 1975, shall govern. (30) Municipality. Any incorporated city or town of this state, which shall include the police jurisdiction thereof. (31) Organization. A group of persons, an association, or a corporation.	

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20-X-2-.01 (cont.)	Glossary of Terms (cont.)	<p>(32) Person. Every natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, such term as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of alcoholic beverages therein. (33) Population. The population according to the last preceding or any subsequent decennial census of the United States, except where a municipality is incorporated subsequent to the last census, in which event, its population until the next decennial census shall be the population of said municipality as determined by the judge of probate of said county as the official population on the date of its incorporation. (34) Private Package Store/Private Liquor Store. Those lounge retail liquor licensees or club liquor retail licensees who declare to the ABC Board that their primary business shall be the sale of alcoholic beverages for off-premises consumption and who further declare their compliance with Regulation 20-X-5-.12 herein. (35) Restaurant. A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises.</p>	
20-X-2-.01 (cont.)	Glossary of Terms (cont.)	<p>(36) Retailer. Any person licensed by the ABC Board to engage in the retail sale of any alcoholic beverages to the consumer. (37) Sale Or Sell. Any transfer of liquor, wine or beer for a consideration, and any gift in connection with, or as a part of, a transfer of property other than liquor, wine or beer for a consideration. These terms shall include any exchange, barter or trafficking of alcoholic beverages. (38) Selling Price. The total marked-up price of spirituous or vinous liquors sold by the ABC Board, exclusive of taxes levied thereon. (39) School. School shall include buildings used for the purpose of imparting instruction to children in Grades K-12, when provided by a public, private, denominational, and parochial school, except those buildings used primarily for adult education or college extension courses. School does not include a proprietary trade or occupational school. (40) Table Wine. Any wine containing not more than 24 percent alcohol by volume. Table wine does not include any wine containing more than sixteen and one-half percent alcohol by volume that is made with herbs or flavors, except vermouth, or is an imitation or other standard wine. Table wine is not liquor, spirituous, or vinous.</p>	

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20-X-2-.01 (cont.)	Glossary of Terms (cont.)	(41) Unopened Container. A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer. (42) Vehicle. Shall mean any means of transportation by land, water or by air. (43) Wet County. Any county which by a majority of those voting voted in the affirmative in an election heretofore held in accordance with the statutes applicable at the time of said election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with the provisions of Chapter 2 of Title 28, or other statutes applicable at the time of said election. (44) Wet Municipality. Any municipality in a dry county which by a majority of those voting voted in the affirmative in a municipal option election heretofore or hereafter held in accordance with the provisions of Act 84-408, Acts of Alabama 1984, appearing as Chapter 2A, Title 28, as amended, or any act hereafter enacted permitting municipal option election, or any municipality which became wet by vote of the governing body or by the voters of the municipality heretofore or hereafter held under the special method referendum provisions of Section 28-2-22, or as hereafter provided, where the county has become dry subsequent to the elected wet status of the municipality.	
20-X-2-.01 (cont.)	Glossary of Terms (cont.)	(45) Wholesaler. Any person licensed by the ABC Board to engage in the sale and distribution of table wine and beer, or either of them, within this state, at wholesale only, to be sold for export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only. (46) Wine. All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products. For tax purposes wine is divided into the following categories: (a) Class I. Wine containing not more than 16.5 percent alcohol by volume. (b) Class II. Wine containing more than 16.5 percent alcohol by volume, but not more than 24 percent alcohol by volume.	
20-X-2-.02	Possession of ABC Board Regulations on Licensed Premises	Each ABC Board licensee is urged to maintain a current copy of the ABC Board's Rules and Regulations at each licensed establishment and shall be responsible for the content thereof.	28-3-49

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-2-.03	Violations	<p>(1) Any violation of any statute or law of the State of Alabama pertaining to alcoholic beverages, or of any regulation of the ABC Board, by any licensee, officer, agent, servant or employee of such licensee, shall subject such licensee to any one of the following discretionary actions or penalties by the ABC Board or its Hearing Commission: (a) Verbal or written reprimand; (b) Suspension of the alcoholic beverage license; (c) Revocation of the alcoholic beverage license; (d) Fine not to exceed \$1,000.00. (2) Each occurrence shall constitute a separate violation for which any of the above-mentioned penalties may be imposed. (3) Any violation of a municipal ordinance or a local act of the legislature may also subject a licensee to the foregoing action. (4) The ABC Board may, from time to time, establish a fine schedule for violations charged against a licensee. This fine schedule will be used when a licensee wishes to plead guilty to a first or second offense. (5) When a licensee has been cited for a violation, the licensee may elect to waive a hearing before the Hearing Commission and/or the ABC Board and enter a plea of guilty to such violation. If a fine is imposed upon said guilty plea, the licensee shall remit the full amount thereof to the ABC Board by cashier's or certified check or money order within seven (7) days after the entry of such guilty plea or, in the event responsible vendor mitigation has been sought, then within seven (7) days after notification of the action of the mitigation committee. Failure to so remit said fine within the seven-day period shall subject the licensee to an automatic license suspension, commencing immediately without any appeal thereof, until such fine is paid to the Administrator and the licensee has received from the Administrator a letter of reinstatement of the license together with the license, itself.</p>	28-3A-24; 41-22-4
20-X-2-.03 (cont.)	Violations (cont.)	<p>(6) After the imposition of a fine by the Hearing Commission and/or the ABC Board, a licensee shall not be authorized to relinquish or surrender the license in lieu of payment of the fine. When a fine has been adjudged and all appeals exhausted, the said fine shall become a debt of the licensee in favor of the ABC Board. (7) When a fine is imposed upon a licensee by the Hearing Commission and/or ABC Board and no appeal is taken therefrom within the appropriate time limitations, the fine so imposed shall be remitted in full by said licensee to the ABC Board by cashier's or certified check or money order within seven (7) days after the last day upon which said appeal could have been taken. Failure to so remit said fine within the seven-day period shall subject the licensee to an automatic license suspension, commencing immediately without any appeal thereof, until such fine is paid to the Administrator and the licensee has received from the Administrator a letter reinstatement of the license, together with the license, itself.</p>	

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20-X-2-.04	Claims From Law Officers For Fees	No claims for reward as allowed by Section 28-4-25, Code of Ala. 1975, will be honored or paid by the Alabama ABC Board unless the certificate required in said statute be properly issued by a judge and filed with the ABC Board within 45 days from the date of the conviction for which the reward is sought, and if an appeal is taken from said conviction, then 30 days from the date said conviction is upheld or affirmed by the Appellate Court.	28-4-25
20-X-2-.05	Public Petition for Rule Modification	(1) Any interested person wishing to request that the ABC Board adopt, amend or repeal a rule or regulation may do so by submitting a written request in duplicate to the Administrative Procedures Secretary of the ABC Board, P.O. Box 1151, Montgomery, Alabama 36101. The petition shall be deemed to be submitted upon receipt. (2) The petition shall be submitted to the ABC Board for its consideration and majority rule shall govern the disposition thereof. The petitioner shall be notified in writing of the disposition of the petition. If the petition is denied, the reason(s) therefore shall be stated. (3) The petition shall contain: (a) The petitioner's name; (b) The relief sought (i.e., adoption, amendment or repeal); (c) The facts necessary to an understanding of the request; and (d) The petitioner's reasons in support of the request. (4) Supportive documents and affidavits may be filed with the request.	41-22-8

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20-X-3-.01	Rules of Practice	<p>(1) A party may appeal to the ABC Board an adverse initial decision, including the findings of fact and the conclusion of the Hearing Commission or an initial decision of the ABC Board itself, provided a request therefor in writing is received within fifteen (15) days after the date of notification of such decision. At their option, a party may submit written exceptions to the decision within the same fifteen day period. (2) A party may be represented by legal counsel at any stage of administrative proceedings of the ABC Board at the party's own expense. (3) Communications regarding appeal hearings, existing licenses or applications for licenses should be addressed to the Secretary of the ABC Board, P. O. Box 1151, Montgomery, Alabama 36101. (4) Continuances for good cause shown may be granted as in actions at law at the ABC Board's discretion. Requests for continuances should be addressed to the Secretary of the ABC Board, P. O. Box 1151, Montgomery, Alabama 36101, and except in exigent circumstances, shall be received by the secretary no later than five (5) business days prior to the scheduled hearing date in order to be considered. (5) Any final administrative decision of the ABC Board, together with a written opinion thereof, will be reduced to writing and transmitted to each party or their representative. (6) Hearings before the ABC Board, in the absence of notice to the contrary, will be held at the ABC Board's Central Office in Montgomery, Alabama. (7) Reasonable notice of the time and place of an appeal hearing shall be given to each party who appeared at the initial hearing or their representative. Nonparties must request in writing to the Secretary of the ABC Board, their desire to be notified of such appeal hearings.</p>	28-3A-24; 41-22-4

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-3-.01 (cont.)	Rules of Practice (cont.)	<p>(8) Anyone who has an interest in a case, as distinguished from the public interest in contested license application or license renewal cases, upon timely application in writing to the ABC Board, shall be permitted to intervene as a party when a statute confers an unconditional right to intervene, or when the applicant has an individual interest in the outcome of the case as distinguished from a public interest and the existing representation of the applicant's interest is inadequate. (9) The record before the Hearing Commission, including its initial decision, the transcript of testimony, argument and exhibits, together with all papers and requested files in the proceeding before the Commission, shall constitute the exclusive record for the final decision of the Commission, if appealed to the ABC Board. (10) In computing any period of time prescribed or allowed by these rules and regulations, such period shall be computed according to Rule 6(a) of the Alabama Rules of Civil Procedure. (11) A party aggrieved by a final administrative decision of the ABC Board may seek the remedies provided in Sections 412217 and 412220, Code of Ala. 1975. (12) Facsimile or other similar electronic transmissions may be utilized for the purpose of exchange of information between parties, but shall not be accepted for purposes of official document filings with the ABC Board.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-3-.02	Hearing Commission	<p>(1) The Hearing Commission shall be comprised of at least three people designated by the ABC Board, one of whom, unless otherwise designated, shall be the ABC Board Administrator. Hearings before the Hearing Commission shall be conducted before the Administrator and two other persons from a pool of designated Commissioners. The Administrator shall be the Chairperson thereof, but may at his/her discretion, appoint a representative from the designated pool of Commissioners to chair the Commission in his/her absence. (2) The Hearing Commission shall convene at least once a month, unless otherwise designated by the Administrator. (3) Contested license applications and disciplinary charges against a licensee may be referred to the Hearing Commission for appropriate action. (4) The Hearing Commission shall in each case referred to it, conduct a hearing, and thereafter, take one of the following discretionary actions: (a) Find no cause for action by the Commission or insufficient evidence to justify any action under the complaint and dismiss the complaint; (b) Issue a written reprimand; (c) Suspend or revoke the license; (d) Fine the licensee up to \$1,000.00 for each separate offense; (e) Grant or deny the license in application cases. (5) A licensee or applicant shall be notified in writing by the Hearing Commission of its decision within fifteen (15) days after the hearing. The notification shall include a statement that the licensee or applicant has the right to appeal on the record to the ABC Board. In the event the Hearing Commission, for good cause shown, is unable to render a decision within fifteen (15) days, then the notification shall be provided to the licensee or applicant within fifteen (15) days after a decision is rendered. (6) A licensee or applicant shall have fifteen (15) days from receipt of notification of the action of the Hearing Commission in which to appeal to the ABC Board. Such notice of appeal shall be in writing and shall be signed by the licensee, applicant, their duly authorized agent or attorney. The appeal is deemed filed and perfected upon hand delivery to the office of the ABC Administrator, within the allotted time, or by U. S. postmark within the allotted time.(a) If no appeal is taken, the decision of the Hearing Commission shall be deemed final on the 16 th day after the licensee or applicant received notification of the action of the Hearing Commission.</p>	41-22-4; 28-3A-24

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-3-.02 (cont.)	Hearing Commission (cont.)	(b) If the licensee or applicant makes a timely appeal of the Hearing Commission's decision to the ABC Board, the Board's decision on the appeal becomes the final administrative decision on the date so rendered. Upon consideration of the appeal, the ABC Board shall: (1) affirm the decision of the Hearing Commission; or (2) modify or amend the decision of the Hearing Commission; or (3) reverse the decision of the Hearing Commission and substitute therefor its own decision with Findings of Fact. (7) An appealing licensee or applicant must pay to the ABC Board the reasonable costs of transcribing the record before the Hearing Commission, not to exceed \$10.00 per page. The Board may require the payment of an advanced deposit prior to such transcription. In no case shall the ABC Board consider an appeal from the Hearing Commission where the transcription cost has not been paid. If the appeal prevails, any money deposited for transcription, in accordance with this paragraph, shall be returned to the appealing licensee or applicant. (8) Any additional evidence not available before the Hearing Commission may be submitted to the ABC Board by affidavit or exhibit. The ABC Board may, at its discretion, consider the same on appeal. (9) In cases where there is no appeal from a final administrative decision of the Hearing Commission or the ABC Board, the ABC Board in its discretion, after a period of sixty (60) days, subsequent to the last day an appeal might be perfected, may destroy any and all documentary evidence introduced at the contested hearing, including the recorded testimony thereof.	
20-X-3-.03	Notification of Licensees of Hearings	(1) All notices required by law to be given to ABC Board licensees, pursuant to and in connection with hearings before the ABC Board or the Hearing Commission on questions disciplinary matters, revocations, suspensions, or renewal of and applications for ABC Board licenses, or the results of any such hearings, may be effectively given by any one of the following methods: (a) By an agent of the ABC Board delivering a copy of such notice to the licensee or, to whomever is in charge of the licensed premises at the time of serving such notice; (b) By sending notice via U.S. Mail, return receipt requested, proper postage prepaid, addressed to such licensee at the address of the licensed establishment, or the mailing address furnished by such licensee on the license application; (c) In the event the licensed establishment is closed by order of a court or is not operating for some other reason, by an agent of the ABC Board posting a copy of such notice to the door of such establishment and the ABC Board sending a copy of such notice via U.S. Mail, proper postage prepaid, addressed to such licensee at the mailing address furnished to the ABC Board by such licensee.	28-3A-24; 41-22-4

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-3-.03 (cont.)	Notification of Licensees of Hearings (cont.)	(2) All notices shall include: (a) A statement of the time, place and nature of the hearing; (b) A statement of the legal authority and jurisdiction under which the hearing is to be held; (c) A reference to particular statutes and rules involved; (d) A short and plain statement of the matters asserted. If the ABC Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application by the licensee, a more definite and detailed statement shall be furnished. (3) If a party fails to appear in a contested case after proper service of notice and given reasonable time to appear, the ABC Board or Hearing Commission may proceed with the hearing and render a decision in the absence of the party. (4) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved in hearings before the Hearing Commission and ABC Board and to be represented by counsel at the parties' own expense.	
20-X-4-.01	Operation of ABC Board State Liquor Stores	(1) The ABC Board state liquor stores shall operate on the days specified by the ABC Board Administrator. (2) The hours of operation and staffing of the ABC Board state liquor stores shall be determined by the ABC Administrator for each store.	28-3-42
20-X-4-.02	Markup For Liquor Sales By ABC Board State Liquor Stores	(1) The wholesale price for case lot sales of liquor and fortified wine shall include a markup of 16.99% of the cost plus freight. (2) The wholesale price for bottle sales of liquor and fortified wine shall include a markup of 35% of the cost plus freight. (3) The retail price for sales of liquor shall include a markup of 35% of the cost plus freight (4) These markups are to be applied in such a way that they are the total markups, exclusive of taxes, and net of any discounts allowed licensees, used in the normal pricing policy of the ABC Board. The ABC Board will, from time to time at its discretion, adjust these markups for such circumstances as: (1) timing to adjust for price increases or decreases by distillers; (2) deciding whether short-term and/or small discounts extended by the distiller are to be passed through to customers; (3) depletion of inventory of slow moving items that are to be closed out; and (4) for other unique market circumstances.	28-3-53.2
20-X-4-.03	Markup For Table Wine By ABC Board State Liquor Stores	(1) The retail price for sales of table wines in ABC Board retail stores shall include markups set by the ABC Board. All bottles of table wine offered for sale at any given time will not necessarily have the same percentage markup. (2) From time to time the ABC Board, at its discretion, may adjust these prices and markups. (3) These prices and markups will be set at meetings of the ABC Board	28-3-53.2

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20-X-5-.01	Information Required From Applicants for Alcoholic Beverage Licenses	<p>(1) Every applicant for an ABC Board license, in addition to information and statements required under Title 28, Code of Ala. 1975, shall also give the ABC Board, as part of the application, the following: (a) The name, date, place of birth, address, telephone number, race, gender, driver's license number, and social security number of every person who has any proprietary or profit interest in the licensed establishment, except in the case of public corporations, whose shares are traded on a recognized stock exchange. (b) The true, correct, and complete criminal court record of all arrests and subsequent dispositions for the past ten years of the applicant and any other person having a proprietary or profit interest in excess of 10 percent therein; and in the case of corporations, clubs and associations, of each officer and/or member of the board of directors of such corporation, club, or association. Minor vehicular offenses may be omitted; however, driving while under the influence and reckless driving cases shall be disclosed. In giving such information, there shall be included the name of the court(s) and the disposition of each matter. The information, as provided and verified, will be used to consider each application. (c) In the case of applications by corporations, clubs, and associations, the person(s) making such application shall certify to the correctness, truthfulness and completeness of the application and shall provide the ABC Board with their authority to offer such application.</p>	41-22-4(a); 28-3A-4

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20-X-5-.01 (cont.)	Information Required From Applicants for Alcoholic Beverage Licenses (cont.)	(d) As a privilege of holding an ABC license or permit, the applicant/licensee, shall at all times, allow authorized personnel of the ABC Board or commissioned law enforcement officers of the state, county, or municipality in which the licensed establishment is located, to enter and search, without a warrant, the licensed premises or any building owned or occupied by the licensee in connection therewith, adjoining, adjacent to, or part of the curtilage thereof, whether used as a private dwelling or not, at any time. (e) Upon request, the applicant shall provide evidence of primary source of funds, whether owned or borrowed, to be applied in the establishment or acquisition of the business. (f) Evidence of ownership, lawful possession, or lease of the real property where the applicant's business will be located, as follows: 1. If applicant owns property, a copy of the recorded deed as evidence of ownership. 2. If applicant has a contract to purchase property, a copy of the recorded sales contract. 3. If applicant has obtained lawful possession or a use agreement for use of property, evidence thereof must be approved and approved by the ABC Board. 4. If applicant is leasing the property, a copy of the lease agreement, including information regarding: (i) Lessor's primary business; (ii) Lessor's involvement in any way with the alcoholic beverage business; and (iii) Any further interest in or connection with the applicant's business by the lessor.	
20-X-5-.01 (cont.)	Information Required From Applicants for Alcoholic Beverage Licenses (cont.)	(g) The ABC Board or its personnel may require additional information from the applicant. (2) In the event any false, incorrect, or incomplete information or statements are found on an application for a license, the license is subject to denial, revocation, or other disciplinary action by the ABC Board, at its discretion, and no waiver, estoppel, or laches will run against the State of Alabama, or the ABC Board, in connection with any false, incorrect, or incomplete information or statements made by an applicant on an application. (3) It shall be the prerogative of the ABC Board as part of the license application procedure to verify the truthfulness and veracity of all information contained within a license application. Verification may include, but not be limited to, personal interviews and community comment, as well as a current criminal background information analysis/check. The ABC Board may consider a current criminal background information analysis/check to be one that has been generated within two years of the licensee's current application period. (4) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.02	ABC Board License Application Procedure	<p>(1) On initial contact by an applicant, the ABC Board personnel will collect the filing fee and may assist in filling out the application, retaining the original and giving the applicant a copy upon request. Responsibility for the truth and veracity of all information provided by the applicant, shall in all cases, remain with the applicant. (2) No alcoholic beverages shall be on the premises listed on the application until the license has been issued. Thereafter, all alcoholic beverages must be purchased in accordance with Chapter 3A of Title 28, Code of Ala. 1975. (3) The applicant shall be responsible for providing a copy of the completed application to the appropriate local governmental authority for processing. The local authority will provide the ABC Board with written confirmation of their decision. The applicant shall be responsible for ensuring the governmental authority's decision is provided to the ABC Board. (3) The ABC Board personnel, upon receiving the decision from the local authority, shall collect the appropriate license fee from the applicant.</p>	28-3A-4; 28-3A-5
20-X-5-.03	Club Retail Liquor License	<p>(1) There shall be two classes of Club Retail Liquor Licenses as defined in Section 28-3-1(8), Code of Ala. 1975. (2) With prior ABC Board approval, licensees who are valid United States Uniformed Services national organizations, may use the information required by their national membership application in lieu of the information required herein. (3) Upon initial application for a Class I Club Retail Liquor License and with each renewal thereafter, the applicant shall present to the ABC Board as part of the application process, good and sufficient evidence that the applicant is a bona fide non-profit organization and exists solely for the object set forth in Section 28-3-1(8)(a)(b), Code of Ala. 1975. (4)(a) All Class I and Class II membership applications shall contain at least the following: 1. Applicant's name and date of birth. 2. Home address and telephone number. 3. Occupation and place of employment. (b) An applicant's true identity shall be verified by the club by use of any of the following: 1. A valid driver's license of any state. 2. A valid United States Uniformed Service Identification. 3. A valid passport. 4. A valid identification issued by any agency of a state for the purpose of identification, bearing a photograph and date of birth of the individual in question.</p>	28-3-1(8);41-22-4(a)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.03 (cont.)	Club Retail Liquor License (cont.)	(c) Upon filing by an applicant of a bona fide membership application, a club may, at its discretion, issue a temporary membership card which will allow the applicant to use the facilities of the club until the application is processed. A temporary membership card shall only be valid for a maximum of thirty calendar days from date of issue. The issue date shall be printed on the temporary membership card. An applicant may receive only one temporary membership card per year, per club. (d) A complete club membership record shall be maintained, showing the date of application of all proposed members, the date of admission after election, the date initiation fees and membership dues are paid and the amounts paid. The record shall also reflect the name of the applicant's sponsor and other remarks deemed desirable. This record shall be either on a standard form, a card index, or by an electronic method that is immediately transferrable to ABC Board employees. The record shall contain the name of the member, the address of the member and the serial number of the membership card issued. Dues shall be accumulated and posted to the proper column in the income records. A separate form or document shall be prepared for each member, and when members are removed or resign, their cards or document shall be removed from the active file and placed in an inactive file for a period of two years.	
20-X-5-.03 (cont.)	Club Retail Liquor License (cont.)	(e) Only a permanent club member may bring bona fide guests on the premises of the club at any time. The presence of a non-member, who is not a bona fide guest of a permanent club member, shall be a violation of this regulation. This is not intended to prohibit the presence of a club employee, or a person present solely in connection with the provision of services or materials to or for the club. (f) A bona fide guest is deemed to be a person who has a social, civic, business, or charitable relationship with their host and shall not include persons whose primary purpose in attendance is for the pecuniary benefit of the club. The bona fide guest's host member shall not be an employee of the club then on duty. (g) The club shall hold, at a minimum, an annual meeting of its members and elected officers. A list of attendees and the annual minutes shall be retained and available for review by the ABC Board for a minimum of three years.	
20-X-5-.04	Lounge Retail Liquor License	(1) A Lounge Retail Liquor License may be issued to any person, partnership, association, or corporation authorized to do business in the State of Alabama once all state and local requirements are met and approval is granted. (2) There shall be two classes of Lounge Retail Liquor Licenses. (a) Class I will permit the licensee to sell alcoholic beverages for on-premises and off-premises consumption. All sales for off-premises consumption shall be in original unopened containers. (b) Class II will permit the licensee to sell alcoholic beverages only for off-premises consumption in the original unopened containers and shall comply with the requirements of 20-X-5-.13.	28-3A-11

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.05	Restaurant Retail Liquor License	(1) Restaurant Retail Liquor licenses shall be issued only to reputable persons for locations which are "habitually and principally" used for the purpose of preparing and serving meals, as defined in 20-X-2-.01, for the public to consume on the licensed premises during normal and reasonable dining hours. Only those locations whose customary and primary business is preparing and serving meals to the public will be issued a Restaurant Retail Liquor license. (2) Restaurant Retail Liquor license applicants shall comply with all pertinent and related requirements of state, county, and where applicable, municipal health departments prior to licensing and shall remain in compliance thereafter for as long as the license shall remain valid. (3) All Restaurant Retail Liquor licensees shall have a fully equipped and operational kitchen on the licensed premises. The licensee shall maintain and operate the kitchen and shall, upon order of a customer, prepare and serve all food items shown on its menu. The kitchen shall be stocked sufficiently with food items. Exceptions shall be made where there is a known and provable shortage or temporary unavailable supply of a food item. (4) A Restaurant Retail Liquor applicant or licensee shall, upon request, provide to the ABC Board, any records, books, ledgers, menus, receipts, or other documentation necessary to demonstrate compliance with this regulation.	28-3-1(31); 28-3A-13
20-X-5-.06	Package Sales	Lounge Retail Liquor licensees and Club Liquor Retail licensees are authorized to sell alcoholic beverages for off-premises consumption only in original unopened containers.	28-3A-11; 28-3A-12
20--X-5-.07	Separate Facilities/Adjoining Facilities-License Required	(1) Separate ABC licenses shall be obtained for a place of business with two or more entrances which lead to separate rooms where alcoholic beverages are sold or served. (2) It is not the intent of this regulation to require two licenses when multiple entrances lead into one room or more than one room under the same management, if all areas are connected by passages or doors ordinarily used by patrons who are customarily served from the same stock of alcoholic beverages (when all other requirements of Alabama law are met).	28-3A-23(f)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.08	Renewal of Alcoholic Beverage License	<p>(1) A renewal application for an alcoholic beverage license must be filed with the ABC Board on or before August 1 of each year. No renewal application will be accepted unless accompanied by the appropriate state and county license fees. (2) Any alcoholic beverage license may be renewed without penalty during the following fiscal year between October 1 and October 20 and may continue to be renewed after October 20 of such license year by payment of appropriate state and county licensing and filing fees and a penalty of fifty percent thereof. If a license is not renewed before midnight September 30 of the succeeding license year, the license shall terminate with no privilege of renewal. Thereafter, a new application shall be made and a new license issued before continuation of the business. (3) When an original alcoholic beverage license is issued after August 1 of a license year, a renewal application shall be filed online immediately after the issuance of the original license. (4) No alcoholic beverage licensee may purchase, receive, store, ship, sell or give away any alcoholic beverage(s) or enjoy any of the rights and privileges of the license after the expiration thereof. (5) Objections and protests concerning alcoholic beverage licenses shall be submitted to the ABC Board within a reasonable time prior to June 1, sufficient for the ABC Board to process the protests and to notify the licensee within the prescribed time period. Interested parties which may lodge license objections or protests include, but are not limited to: state, county and municipal governmental agencies. (6) The ABC Board may exercise broad discretion in granting, denying or renewing any license. (7) Licensees are responsible for the accuracy and truthfulness of all data, including updating contact information, as required in the online renewal system. Falsifying information may result in disciplinary action, including but not limited to, revocation of the license.</p>	28-3A-5, 41-22-4A

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.09	Change of Ownership, Management, Trade Name or Name of Contact Information of License/Permitted Establishments	<p>(1) ABC Board licenses shall be deemed to expire, terminate, or otherwise be void when there is a substantial change of ownership in the licensed business; when a licensed business is leased, rented or abandoned, or when possession is otherwise surrendered to another party or parties. However, a license may be transferred as provided by statutes and these regulations. A license issued to a corporation does not terminate by transfer of ownership of its stock, and no transfer of license is required even with a complete change in ownership of the capital stock of a corporate licensee, although the provisions of section (4), below, do apply. (2) Upon the death of an individual licensee, sale of the licensed business, temporary closing of the licensed business, or other interruption in the operation of a licensed business, the license shall immediately be delivered to the local ABC Board field office, to be held pending the reopening of said business according to these regulations. However, where there is a surviving partner in a partnership entity possessing a license, or a surviving spouse of a deceased licensee, such survivor may complete the current license year operating as a licensee, having the same rights and responsibilities as the named licensee, without obtaining a new license, provided: (a) the survivor notifies the ABC Board in writing within twenty (20) days after the death of the licensee, and (b) the survivor is otherwise qualified to hold a license. A surviving spouse or partner must complete a new application in his/her own name and receive local and state approval prior to operation the next license year.</p>	28-3A-23
20-X-5-.09 (cont.)	Change of Ownership, Management, Trade Name or Name of Contact Information of License/Permitted Establishments (cont.)	<p>(3) When a licensed corporation elects new officers or directors, said corporation shall notify the ABC Board in ABC Board writing within twenty (20) days thereafter. This letter shall contain the names, positions, social security numbers, places of birth, dates of birth, home addresses and how long the newly-elected officials have lived at said addresses. Social security numbers shall be disclosed for investigative purposes only. No person shall serve as a director or officer, of a licensed corporation who is otherwise unqualified to obtain an original license in their own name. This section shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges. (4) When ownership of 20% or more of a corporation's shares is transferred or there accrues a 20% transfer of shares since the licensing year began, a corporation shall notify the ABC Board in writing within twenty (20) days thereafter. The letter shall contain the name of the person(s) to whom the stock was transferred, social security number, place of birth, date of birth, home address, how long the stock transferee has lived at that address and what quantity of shares was transferred. The licensee's social security number shall not be disclosed for public record. No person shall own shares through transfer or accrual in a licensed corporation who is otherwise unqualified to obtain an original license in their own name. The ABC Board Hearing Commission shall have discretion in determining the qualifications of any transferee of stock shares, and may in its discretion, suspend the corporation's license during the period of time that the unqualified shareholder retains ownership of said shares. This section shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.09 (cont.)	Change of Ownership, Management, Trade Name or Name of Contact Information of License/Permitted Establishments (cont.)	(5) When a non-corporate licensee has a change of ownership effecting 20% or more thereof, the licensee shall notify the ABC Board in writing within twenty (20) days thereafter. No person shall become the owner or otherwise hold interest in the operation of a non-corporate licensed premise who is otherwise unqualified to obtain an original license in their own name. (6) Additional information concerning licensed businesses shall be submitted when requested by the ABC Board. (7) In the event an ABC Board licensee changes its trade name and/or contact information other than as provided, the licensee must notify the ABC Board, in writing, within 20 days of such change. Contact information includes, but is not limited to, e-mail, telephone number, and mailing address. (8) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.	
20-X-5-.10	License Transfer	(1) Any alcoholic beverage license may be transferred once in any license year from one location to another, within the same governing jurisdiction, upon approval by the ABC Board. Any alcoholic beverage license may also be transferred once in any license year from one licensee to another person, corporation or association for that particular location, upon approval by the ABC Board. (2) Before a license may be transferred from one licensee to another person, a transferee must: (a) Be qualified to receive an original license. (b) Pay a non-refundable filing fee of \$50.00 to the ABC Board. (c) File a transfer application, as if applying for an original license, within twenty (20) days after the transferee assumes control of the licensed premises; if alcoholic beverages are possessed or sold at said location, the original licensee shall continue to be responsible for the conduct and operation of this aspect of the business until the ABC Board approves said transfer and issues the appropriate license. (d) Complete the transfer application process and secure any necessary local governing authority approval, within sixty (60) days after notification to the ABC Board of said intent to transfer. (3) Upon failure of a transferee to submit a completed application in a timely manner as provided herein, the transfer application will be deemed void and the original licensee shall either resume control and operation of the licensed premises within five days thereafter or the license shall then be void. (4) It shall be the responsibility of a transferor to remain apprised of all activity associated with a transfer application.	28-3a-23(1) ; 41-22-4

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.10 (cont.)	License Transfer (cont.)	<p>(5) A license shall not be transferred if: (a) The ABC Board has denied or refused to renew a license to the transferee, if said action was based in part on the transferee's qualifications, conduct, or fault within the last five (5) calendar years. (b) The ABC Board has suspended any license held by the transferee, or imposed fines against the transferee in a cumulative amount of \$1,000.00 or more, within the last three (3) calendar years. (c) A transferor or transferee is the subject of: (i) A pending criminal action, (ii) A pending disciplinary action, (iii) A pending audit by the ABC Board, or (iv) A license renewal protest before the ABC Board or any court of competent jurisdiction. (d) A third party has made application for a license at the proposed location for which the transfer is sought and which is still pending. (e) Taxes, fines, or license fees are currently due and payable on the transferor's license. (f) Prior to approval of the transfer, the transferor withdraws consent to transfer or fails to timely renew the license. (6) An application for a location transfer will not be accepted if there is pending, an existing application for an ownership transfer, nor will an application for an ownership transfer be accepted if there is pending, an existing application for a location transfer. (7) The ABC Board may exercise its broad discretion in granting or denying any license transfer application. (8) For purposes of this regulation, the term ABC Board shall include the ABC Board Hearing Commission.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.11	Suspension or Revocation of License	<p>(1) Upon suspension or revocation of a license and during the interim between the date on which notice of final adjudication of suspension or revocation is given to the licensee and the effective ending date of the suspension or revocation, the licensee is prohibited from purchasing alcoholic beverages under the license. (2) During a period of suspension, no new or different license will be issued to any other applicant for the same location or in the same business name, as that of the suspended license; provided, however, this section is not intended to prohibit innocent landlords or lessors from exercising contractual rights under a rental agreement or a written lease in the event of default by a tenant or lessee. (3) Immediately following a final adjudicated decision on the question of suspension or revocation, a notice thereof shall be provided to appropriate peace officers in the county where the affected license is located. Notice shall also be provided to wholesale licensees operating in the territory of the affected license. (4) During a period of suspension, no alcoholic beverages may be possessed on the licensed premises, nor may a licensee permit others to bring, possess, or consume alcoholic beverages on the licensed premises. As an alternative, the licensee may choose to cease all operations on the licensed premises, which shall remain locked during the period of suspension. (5) Upon the effective date of a suspension or revocation, merchandisable alcoholic beverages legally purchased by the licensee may be purchased by the ABC Board at eighty percent of the current ABC Board list price or the Board may approve the sale of such alcoholic beverages to another licensee of the ABC Board. Any other sale of such alcoholic beverages is prohibited.</p>	28-3A-24; 41-22-4
20-X-5-.11 (cont.)	Suspension or Revocation of License (cont.)	<p>(6) During the period of suspension or revocation of an ABC Board license, the licensee shall post a sign, supplied by the ABC Board, on the licensed premises stating that their license has been suspended or revoked. The sign for a suspended license shall read: "The privilege of selling alcoholic beverages for this premises has been suspended by the Alabama Alcoholic Beverage Control Board from (date) to (date)." The sign for a revoked license shall read: "The Alabama Alcoholic Beverage Control Board license has been revoked." This sign shall be displayed in a conspicuous location in or on a front window or door and shall be readily visible from outside the premises. (7) Within ten days from the beginning of any period of revocation, a compliance inspection of the premises by agents of the ABC Board shall be allowed, to ensure the removal of alcoholic beverages from the premises if the premises is open for business to the general public, members or guests during the period of suspension or revocation. Failure to permit the inspection shall disqualify the licensee from reapplying for a new license at that location for an additional period of six months after the revocation period is completed.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.12	Special Events Retail License and Special Retail License	A Special Events Retail license may be issued only after all the requirements of Section 28-3A-20, Code of Ala. 1975, have been met and only for a special event. A Special Retail license may be issued only after all the requirements of Section 28-3A-19, Code of Ala. 1975, have been met. A Special Retail license will not be issued for an occurrence that is in essence, a special event.	28-3A-20 ; 28-3A-19
20-5-.13	Regulation of Licensees Operating as "Package Stores"	(1) In addition to all other requirements of law or rules and regulations of the ABC Board, all private club licensees and all lounge retail liquor licensees which operate their licensed premises primarily for the off-premises sale of alcoholic beverages shall comply with the following conditions: (a) The licensee shall have a minimum of 500 square feet of floor space for the display and sales of alcoholic beverages. The required square footage shall not include areas of the licensed premises which are not open to the patrons or general membership of the licensee and/or which are used for office space, storage or restroom facilities. (b) Notwithstanding any provisions contained herein to the contrary, the licensee is authorized to sell only pre-packaged snack items, cheeses, beverage containers, keg tabs, home bartending supplies, disposable coolers, tobacco products, alternative nicotine product and electronic nicotine delivery systems, ice, fruit juices, mixers, and items commonly used as garnishments for mixed drinks. The licensee shall not sell general grocery items, novelties, clothing or any other items of general merchandise. Sale of any items listed above shall in no way be used to promote, persuade, or influence the sale of alcoholic beverages. Therefore, the licensee cannot give as a gift or reduce the price of these items when the same is conditioned on the purchase of an alcoholic beverage.	28-3-2
20-5-.13 (cont.)	Regulation of Licensees Operating as "Package Stores" (cont.)	(c) Any interior door, window or passageway which opens or may be opened into an adjoining building may be used only by the licensee and its employees. Such interior openings must be unavailable to the patrons or customers of the licensee and such passageways must be clearly marked "employees only". (d) The licensee shall at all times have in its possession a physical inventory of liquor and/or wine having a minimum wholesale cost of \$5000.00. The inventory of liquor and/or wine must have been produced by at least two distilleries and two wineries. (e) The licensee shall not advertise alcoholic beverages with signs of any kind on the outside of the premises, or identify its premises, prices or location by the use of flashing or blinking signs. (2) Any licensee whose license was issued prior to September 30, 1985, shall be exempt from conditions set forth in paragraph 1(a). No transfer of any license hereby exempted from 1(a) shall be permitted unless and until the premises are brought into compliance with the same.	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.14	Requirements of Financial Responsibility by Licensees	<p>(1) All retail licensees of the ABC Board shall maintain, at all times, liquor liability (dram shop) insurance described below and shall comply with the following conditions of requirements of financial responsibility. (a) Prior to the issuance or renewal of any retail alcoholic beverage license, each applicant must provide the ABC Board with sufficient information that it has liquor liability (dram shop) insurance coverage in the amount of at least one hundred thousand dollars (\$100,000.00) per occurrence, exclusive of, and separate from, any attorney fees or other costs incurred in the defense of any claim asserted against the insured. (b) This information may be provided as follows: 1. A certificate of liquor liability insurance from a reputable insurance company showing that the applicant has liquor liability (dram shop) insurance of at least one hundred thousand dollars (\$100,000.00) for each occurrence, that the certificate is for liability coverage only exclusive of, and separate from, any attorney fees or other costs incurred in the defense of any claim asserted against the insured and that coverage is valid for the license year for which the application is being submitted; or 2. Other method as may be required by the ABC Board. (c) A certificate of liquor liability insurance also will show that the insurer will advise the Alabama ABC Board immediately in the event the policy is cancelled before the expiration date thereof.</p>	28-3-2
20-X-5-.14 (cont.)	Requirements of Financial Responsibility by Licensees (cont.)	<p>(2) It shall be unlawful to represent to the ABC Board or to any other person that current insurance coverage exists when the policy has been cancelled or otherwise is not in force for any reason. (a) A copy of a certificate of liquor liability insurance showing the current coverage shall be retained on the licensed premises and readily available for inspection by personnel of the Board or law enforcement officers. (b) The Board may verify the liquor liability insurance coverage of any licensee at any time. (3) No application for a new retail license shall be approved unless the application shows affirmatively that the requirements contained herein are met. All online renewal applications shall meet all insurance requirements. All information on the renewal application must be accurate and include a copy of the licensee's current liquor liability insurance certificate. Failure to comply with the requirements contained herein shall be cause for suspension or revocation of the license. (4) A retail licensee shall notify the ABC Board immediately at any time that its liquor liability insurance is canceled.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.14 (cont.)	Requirements of Financial Responsibility by Licensees (cont.)	(5) In the event of cancellation, termination or other invalidation of its liquor liability insurance, the licensee must comply with the requirement of this financial responsibility regulation within fifteen (15) days from the date of the cancellation, termination or other invalidation. After the fifteenth day, if the licensee has not complied, the subject license shall be suspended immediately. Any license which has been suspended for failure to abide by this regulation shall not be reinstated until compliance with section (1) is met. (6) A licensee may be cited administratively for violation of this regulation if proper insurance coverage is not maintained throughout the license year. (7) This regulation shall not apply to licensees exempted by Title 28-3A-1.5 Code of Ala. 1975.	
20-X-5-.15	Permits for off-site tasting rooms for in-state wine manufacturers and a winery association.	(1) Application for a permit. (a) An application for a permit shall be in a form prescribed by the Board. Each applicant shall sign and swear to the application. (b) Only one permit for one off-site tasting room shall be issued per license year. (c) Once issued a permit shall be valid for the balance of the license year unless surrendered, suspended or revoked. (2) Requirements. (a) Those eligible to receive and hold a permit, are applicants who hold a valid manufacturer license or the winery association that represents a majority of the in-state wineries. (b) The permitted premises shall be regarded the same as a licensed premises. (c) Evidence of ownership or a lease for the real property where the applicant's off-site tasting room will be located. (d) Any other information as may, at their discretion, be requested by the Board. (3) Before issuing a permit the Board shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is suitable for a tasting room. The location shall: (a) Have been awarded approval from the local governing body. (b) Meet all the requirements for on-premises licensees enumerated in Rule 20-X-6-.02. (c) The off-site tasting room shall be limited to only one building or one premises within one building.	28-3A-6(h)(5)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.15 (cont.)	Permits for off-site tasting rooms for in-state wine manufactures and a winery association. (cont.)	(4) All permit holders shall maintain liquor liability insurance as prescribed by Rule 20-X-5-.14. Coverage shall specifically include the off-site tasting room location. (5) In addition to all other requirements of law or rules and regulations of the ABC Board, all off-site tasting rooms shall comply with the following conditions: (a) No one under 21 years of age may dispense or serve alcohol. (b) All service for on-premises consumption shall be conducted by servers. No self-service permitted. (c) All sales and consumptions must take place inside the licensed premises. (d) Only products manufactured at the winery's primary premises may be sold at the off-site tasting room. (e) Only products that have previously been approved for sale in the State may be sold or given away on the permitted premises. (f) Records from wine sales and tastings shall be maintained at the permitted premises for three years. A duplicate record shall be maintained at the primary winery premises. (6) The winery association shall verify yearly that it represents a majority of the in-state wineries. (7) The board may initiate, investigate and, if appropriate, disapprove and prohibit the continued tastings of any permitted site found to be operating in violation of the rules.	
20-X-5-.16	Permanent Closure of a Licensed/Permitted Location	(1) Upon permanent closure of a licensed/permitted location: (a) The licensee/permittee shall immediately remit the ABC license/permit, along with written notice containing the date of closure, to the ABC Board. (b) The ABC Board may, at its discretion, approve the relocation or sale of beer and/or wine to another licensed location, owned by the same legal entity, provided that the product remains within the same territory as specified by Title 28, Code of Ala. 1975. In addition, the disposition of local taxes will be reallocated by the wholesale licensee to reflect the relocation or sale of beer and/or wine to another licensed location.	28-3A-23
20-X-5-.17	Delivery Service License	(1)(a) Pursuant to ACT 2021-188, a delivery service licensee may deliver or contract to deliver, a limited amount of alcohol to an individual who is at least 21 years of age. The following may apply for and be issued a delivery service license: 1. Any entity licensed by the ABC Board for off-premises consumption. 2. A restaurant and/or brewpub licensee of the board. All deliveries made by a restaurant and/or brewpub, which holds a restaurant license, must be made with a meal. 3. A valid and responsible organization of good reputation that is registered to do business providing delivery services in the state. The term "registered" means a formal process completed through the Alabama Secretary of State. 4. A manufacturer with off-premises retail privileges, provided such manufacturer abides by all requirements in ABC Rules and Regulations and Title 28 as pertains to retail sales. (b) The applicant must include, as part of the application requirements in ACT 2021-188, a certificate of general liability insurance from a reputable insurance company indicating the applicant has the amount of insurance required and that the coverage is valid for the license year for which the application is being submitted. It shall be unlawful to represent to the ABC Board or to any other person that current insurance coverage exists when the policy has been cancelled or otherwise is not in force for any reason.	28-3A-13.1

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.17 (cont.)	Delivery Service License (cont.)	<p>1. The certificate of general liability insurance will indicate that the insurer will advise the Alabama ABC Board immediately in the event the policy is cancelled before the expiration date thereof. 2. A delivery service licensee shall notify the ABC Board immediately at any time that its general liability insurance is cancelled or changed, to include a change of insurer. 3. The Board may verify the general liability insurance coverage of any licensee at any time. 4. No application for a new delivery service license or the renewal of an existing delivery service license shall be approved unless the application shows affirmatively that the requirements contained herein are met. Failure to comply with the requirements contained herein shall be cause for suspension or revocation of the license. In the event of cancellation, termination or other invalidation of its general liability insurance, the licensee must comply with said insurance requirement within fifteen (15) days from the date of such cancellation, termination or other invalidation. After the fifteenth day, if the licensee has not complied, the subject license shall be suspended immediately and shall cease delivery business operations. Any license which has been suspended for failure to abide by this regulation shall not be reinstated until compliance is met.</p>	
20-X-5-.17 (cont.)	Delivery Service License (cont.)	<p>6. A licensee may be cited administratively for violation of this regulation if proper insurance coverage is not maintained throughout the license year. (c) Unless the applicant is the retailer, the applicant must provide a copy of the blank sample contract the applicant intends to use with its retail partners for the delivery of beer, wine, and spirits. Each applicant must also provide a list that includes the name of each retail partner, each location address for which they will be delivering, and the start and end date of the contract for each, and shall notify the ABC Board of any additions, deletions, or changes to the list. Additionally, each applicant shall sign a commitment to provide the ABC Board with a copy of the contract, for review, upon request. (2)(a) All applicants for a delivery service license must submit, with their application, a copy of their internal or external alcohol delivery training and certification program for approval by the Alabama Alcoholic Beverage Control Board.</p>	
20-X-5-.17 (cont.)	Delivery Service License (cont.)	<p>The training program shall include but not be limited to the following: 1. Delivery Driver Eligibility Requirements 2. Legal Sales and Delivery of Alcohol 3. Customer Verification 4. Delivery Refusal Criteria 5. Violations and Penalties (b) All persons conducting a delivery containing alcoholic beverages must first successfully complete the training program and be issued a valid certificate of completion by the course provider which must be carried either in printed form or an electronic format and shall be available for inspection upon request by the board or any law enforcement officer. Thereafter, every 24 months, each delivery driver must complete a current training program and be issued a new certificate of completion by the course provider. A delivery driver's certificate of completion is not transferable to another delivery service licensee.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.18	Direct Wine Shipper License and Wine Fulfillment Center License.	(1) Pursuant to 28-3A-6.1 and 28-3A-6.2, a license may be issued by the board that authorizes the licensee to ship wine or contract for the shipment of wine from a manufacturer to an Alabama resident who is at least 21 years of age, for personal use by the individual and not for resale. (2)(a) Pursuant to 28-3A-6.1, a direct wine shipper licensee may ship wine produced by the licensee or for the licensee, under a written contract, with another manufacturer that holds a federal basic wine manufacturing permit. A copy of the contract shall be submitted with the licensee's application in addition to the application requirements listed in 28-3A-6.1. (b) Pursuant to 28-3A-6.2, a wine fulfillment center licensee shall enter into a contract with a direct wine shipper licensee, designating the wine fulfillment center licensee as its agent. A copy of the contract shall be submitted with the fulfillment center licensee's application in addition to the application requirements listed in 28- 3A-6.2. (3) The wine fulfillment center must apply for a license for each physical premises that is to be used as a wine fulfillment center prior to shipping wine to any Alabama resident from that premises.	28-3A-6.1 ; 28-3A-6.2
20-X-5-.19	Wine Festivals	(1) A Wine Festival License or Wine Festival Participant License may be issued only after all the requirements of section 28-3A-20.4, Code of Ala. 1975, have been met and only for a wine festival. (2) All laws regarding regulation of the retail sale of wine, as detailed in Title 28, Code of Ala. 1975, and ABC Rules and Regulations, shall apply to all participants during a wine festival, regardless of the license class of the participants. (3) All wine festival licensees and wine festival participant licensees shall have a minimum of \$100,000 in liability (dram shop) insurance consistent with the requirements of ABC Rules and Regulations 20-X-5-.14 and 20-X-8-14.	28-3A-20.4

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-5-.20	Manufacturer Licensed Premises Extension.	(1) Upon approval, an authorized manufacturer licensee producing table wine and spirits shall be allowed one off-premises manufacturer extension, for the exclusive storage of finished and unfinished goods. (2) Upon approval, an authorized manufacturer licensee producing beer shall be allowed one off-premises manufacturer extension, for the exclusive storage of finished goods and raw materials for the functions allowable by the 27 CFR 25.22. (3) A manufacturer must provide documentation indicating approval from TTB for the extension. Prior to a manufacturer extension being issued in Alabama, the manufacturer must provide the following: (a) Approval of the manufacturer extension from TTB. (b) A lease, deed, or other document showing control of property. (c) A current, valid manufacturer license from the Alabama Alcoholic Beverage Control Board. (4) The application for a manufacturing extension must be approved by the ABC Board prior to its use. (5) The manufacturer extension must be secured at all times. (6) The manufacturer extension cannot be used for the exportation of products nor any form of distribution of products within Alabama. (7) Except where otherwise prohibited by federal or state statute, a manufacturer may obtain an extension for a building located 10 miles or less from the original licensed manufacturer's premises. A manufacturer extension will be prohibited outside the State of Alabama.	28-3A-6
20-X-5-.20 (cont.)	Manufacturer Licensed Premises Extension. (cont.)	(8) Authorized representatives of the ABC Board or commissioned law enforcement officers of the state, county, or municipality in which the manufacturer extension is located shall be allowed to enter and search, without a warrant, the manufacturer extension or any building owned or occupied by the licensee in connection therewith, adjoining, adjacent to, or part of the curtilage thereof, whether used as a private dwelling or not, at any time. (9) No sales, sampling, or tastings of any alcoholic beverage shall be allowed at the manufacturer extension premises. (10) A manufacturer licensee, who is issued a manufacturer extension, must maintain all records related to the disposition of the finished or unfinished goods stored in the extension, as applicable. (11) The finished and unfinished goods may be transported in bond from the manufacturer to the manufacturer extension location for storage, as applicable. Transportation shall be made by the manufacturer or employee of the same in a vehicle bearing signage on each side identifying the licensee. Included in the transportation vehicle shall be a current copy of the manufacturer extension and the bill of lading or other documentary evidence of ownership of the product on board.	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.01	Operation of Licensed Premise	<p>(1) Any ABC Board licensee and/or any person applying initially for an ABC Board license, by virtue of holding such license or making such application does agree, invite, consent, and authorize personnel of the ABC Board, as well as commissioned law enforcement officers having proper jurisdiction, at any time, to enter and search the premises, observe the operation, and otherwise enforce state laws, and rules and regulations of the ABC Board in or about the premises, without a warrant, including not only the licensed premises but any building owned or occupied by the licensee in connection therewith, adjoining, or adjacent thereto, whether or not connected or used by the licensee as a private dwelling.</p> <p>(2) Any ABC Board licensee and/or any person applying initially for an ABC Board license, by virtue of holding such a license or making such application, does agree, invite, consent and authorize personnel of the ABC Board to examine and inspect equipment, stocks, invoices, receipts, books, papers and related records and to make copies of the same at any time during normal operating hours of the ABC Board or of the licensee.</p>	28-3-2; 28-3-19; 28-3A-23; 28-3A-25; 28-3A-6.1; 28-3A-6.2.
20-X-6-.01 (cont.)	Operation of Licensed Premise (cont.)	<p>(3) The premises of any club licensee shall not be deemed to be the home or private premises of any member thereof. However, by applying initially or seeking renewal of such license, all officers and members of the club do agree, consent, authorize, and accept this definition of the club premises and the invitation to search, supervise, observe, and enforce the laws and regulations of the ABC Board as set forth in Section (1) above. (4) Where private living quarters are maintained in the same structure in which an ABC Board licensed business is operated, such living quarters shall be considered part of the licensed premises and shall be subject to warrantless full inspection and supervision by the ABC Board as in any other part of the licensed premises. (5) Individual hotel and motel rooms occupied by registered guests shall be considered private and not a part of the licensed premises nor subject to the provisions of this regulation. (6) ABC Board licensees shall be accountable to the ABC Board for criminal conduct which occurs or is suffered to occur on any part of the licensed premises. Where the ABC Board or Hearing Commission finds such criminal conduct to be allowed, caused, permitted, or suffered to occur by the licensee, employees or agents thereof, the licensee's license shall be subject to disciplinary action.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.01 (cont.)	Operation of Licensed Premise (cont.)	(7) Any ABC Board licensee found on or off the licensed premises, possessing, transporting, selling, receiving, giving, or otherwise dealing with alcoholic beverages without having paid the appropriate Alabama tax thereon, shall be subject to disciplinary action. (8) Any ABC Board licensee, officer, or agent thereof violating any criminal law or statute of the State of Alabama, whether or not occurring on the licensed premises, may subject the licensee to disciplinary action. (9) ABC Board retail licensees licensed to sell beer or wine for off-premises consumption may contain facilities for the sale of beer or wine or both, but may not sell liquor, by means of a "drive-up", "walk-up", or "drive- thru" window or other type of exterior access. All rules governing the sale of alcohol and tobacco still apply and it is the responsibility of the licensee to ensure that there are no sales of alcohol or tobacco to minors, there are no sales of alcohol to intoxicated individuals, and that all sales of beer and/or wine are made in sealed containers in accordance with Title 28 and ABC Rules and Regulations.	
20-X-6-.01 (cont.)	Operation of Licensed Premise (cont.)	Those licensees conducting beer and wine sales by the above-mentioned means of exterior access shall: (a) Post, in a well-lighted area near the exterior access, a sign which must be visible to customers purchasing beer and/or wine. The sign must be a minimum of 18" X 24" and read: 1. Containers must remain sealed at all time during vehicular transportation from the place of purchase to the destination. 2. It is unlawful for a person in a motor vehicle to have in his or her possession alcoholic beverages of any kind, in an open container, on a public highway or right-of-way of a public highway of this state (see 32-5A-330, Code of Ala. 1975). (b) Have exterior lighting that complies with applicable building codes. All lighting must be functional. If the vehicle has tinted windows, the windows must be lowered prior to the sale. (c) Require valid proof of age in accordance with 20-X-6-.09(d) to verify the individual purchasing beer and /or wine is at least 21 years old. If there are multiple occupants in the vehicle, and it appears, under the totality of the circumstances, that the driver may be purchasing alcohol for another person in the vehicle, the licensee, employee or agent of the licensee must require valid proof of age from each occupant. (d) Refuse to sell, furnish or give beer and/or wine to any person if such person appears, under the totality of the circumstances, to be intoxicated. If the intoxicated individual is the driver of the vehicle, the licensee, employee or agent of the licensee should make every attempt to, at the time of the refusal, report the driver to the nearest law enforcement agency.	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.01 (cont.)	Operation of Licensed Premise (cont.)	<p>(10) All ABC Board licensees shall display their current ABC licenses in public view on the licensed premises. (11) ABC Board licensees shall not rent, furnish, or maintain beverage locker service or storage service for the keeping of alcoholic beverages by customers, patrons, or consumers. (12) No ABC Board licensee shall allow on the licensed premises the consumption and/or possession of any type of alcoholic beverage which the licensee is not authorized to sell. Further, the practice of brown bagging, or customers bringing their own alcoholic beverages is prohibited on ABC Board licensed premises. This brown bagging provision shall not apply to alcoholic beverages, for which the appropriate Alabama tax has been paid, which are brought on the premises of Class I Club (not operated for pecuniary gain) licensees. (13) Any ABC Board licensee which requires its members or patrons to possess keys, card keys, code numbers, membership cards or other such mechanisms as a condition to gaining access to its licensed premises, shall provide and supply to the ABC Board upon initial issuance of the license and/or renewal, access to and evidence of such mechanisms so as to allow entry by ABC Board personnel upon the licensed premises at any time during normal business hours for the purpose of observing the normal operation thereof. Any changes or modifications to the premise entry mechanisms during the license year shall be brought to the attention of the ABC Board immediately. Failure to provide this information shall, at the ABC Board's discretion, be grounds for disciplinary action against the licensee.</p>	
20-X-6-.01 (cont.)	Operation of Licensed Premise (cont.)	<p>(14) All sales and service of alcoholic beverages by any ABC Board retail licensee shall be made within the interior of buildings situated upon the licensed premises, except as provided in the Code of Ala. 1975, and ABC Board Regulations 20-X-6-.07, 20-X-6-.01(15), 28-3A-6.1, 28-3A-6.2, and ACT 2021-188. (15) It shall be permissible for an ABC Board licensee who is licensed to sell alcoholic beverages for on-premises consumption, off-premises consumption, or both, to sell alcoholic beverages for off-premises consumption only, using curbside pick-up or takeout. Curbside pick-up or takeout is considered an order, placed with the licensee, that is brought to the customer's vehicle in the parking lot of the licensed premises, or picked up at the licensee's place of business. All licensees primarily operating as "package stores" may only sell items allowable under 20-X-5-.13. Purchased goods, including alcoholic beverages, must be placed in the customer's vehicle within a clearly designated, well lighted pickup/takeout area. Upon delivery of alcoholic beverages to a customer's vehicle, an employee of the licensee must verify that the recipient is 21 years of age or older by reviewing an allowable form of identification listed in 20-X-6-.09(d). If identification cannot be verified, or if the driver appears to be intoxicated, all alcoholic beverages must be removed from the order and the customer will not be charged for any removed products. Any employees handling alcoholic beverages in the designated pickup area must be 21 years of age or older. The ABC Board shall have the right to deny any ABC Board licensee permission to sell alcoholic beverages for curbside pickup or takeout services if it determines that the licensee does not have proper processes and safeguards in place to ensure compliance with this provision.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.02	On premises Licensees	<p>(1) All ABC Board on-premises licensees must have restroom facilities¹ which conform to standards and requirements established by state, county and, when applicable, municipal health departments. (2) All ABC Board on-premises licensees must have facilities to properly sanitize containers used to dispense alcoholic beverages. Such facilities must conform with standards and requirements established by federal, state, county, and when applicable, municipal health departments. (3) An ABC Board on-premises licensee is prohibited from conducting, sponsoring or allowing any type of contest which requires participants to consume alcoholic beverages on the licensed premises. (4) No ABC Board on-premises licensee, employee or agent thereof shall serve any person alcoholic beverages if such person appears, considering the totality of the circumstances, to be intoxicated. (5) No ABC Board on-premises licensee, employee or agent thereof, engaged in serving customers, may consume alcoholic beverages during working hours. (6) All ABC Board licensees authorized to conduct retail sales on-premises shall designate and mark an area no smaller than 500 square feet solely for service and consumption on-premises. The on-premises consumption area shall not contain sales or display items. (a) This area shall be open and available to customers for on-premises consumption at all times that alcoholic beverages are available for sale at that premises. (b) An employee shall be present in and maintain control of the on-premises area at all times the business is open for operation. (c) No patron shall be allowed to leave the on-premises area or the licensed premises with an open container of alcoholic beverage. (7) All ABC Board licensees authorized to conduct retail sales on-premises shall at all times provide tables and seating adequate to accommodate no less than 16 persons within the designated on-premises consumption area.</p>	28-3-2
20-X-6-.03	Use And Disposition Of Original Liquor Containers	<p>(1) Except as authorized herein or in accordance with 28-3A-20.3, Code of Ala. 1975, no liquor product may be kept or maintained on any ABC Board licensed premises at any time in any container, bottle, or receptacle, other than the original bottle prepared by the manufacturer with proper taxes paid thereon. Any liquor in possession or custody of the licensee found on the licensed premises and not in compliance with this regulation shall be seized as contraband and may subject the licensee to disciplinary action. (2) No ABC Board licensee shall have more than one bottle of each brand of liquor opened at each serving station at any time in the licensed establishment, provided however, the licensees may dispense liquor from a pre-mix dispenser in accordance with ABC Board Regulation 20-X-6-.05 or from an automatic dispensing system. (3) ABC Board licensees authorized to sell liquor are required to destroy, as soon as reasonably possible, all empty liquor bottles. It is not permitted for any such licensee to refill any alcoholic beverage container. (a) "Destroy" is defined as rendering the containers or bottles unsuitable for reuse by such means as removing or defacing the label, breaking, crushing, or smashing the containers or bottles. (b) "As soon as reasonably possible" is defined as immediately after use, serving, or consuming the contents thereof, all empty bottles shall be immediately segregated from existing usable inventory.</p>	28-3A-25 (a)(9)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.04	Sale of Alcoholic Beverages by Retail Licensees	<p>(1) All ABC Board retail liquor licensees may dispense liquor, with and/or table wine from any size container purchased from ABC Board wholesale stores or as otherwise authorized by the ABC Board.</p> <p>(2) The quantity of liquor served in an individual drink shall be posted within the licensed premises in a conspicuous place on or behind the service area and on any food or beverage menu. The posted notice, except in food or beverage menus, shall be no less than 8.5" x 11" and shall read, "All drinks contain ___ ounces of liquor, unless special ordered." Letters shall be no less than two (2) inches in height. (3) No ABC Board retail liquor licensee shall at any time, have more than one (1) bottle of alcoholic beverages open for use at any serving station. Provided however, the licensees may dispense such beverages from a pre-mix dispenser in accordance with ABC Board Regulation 20-X-6-.05 or from an automatic dispensing system. (4) All purchases by ABC Board retail licensees of any alcoholic beverages containing distilled spirits, except those products defined as table wine in 20-X-2, shall be made only from an ABC Board wholesale store. All receipts for purchases of alcoholic beverages by retail licensees shall be retained for a period of three (3) years from the date of purchase. At a minimum, one (1) year of receipts shall be maintained on the licensee's premises and immediately available upon request. After which such records may be maintained at a central location of the licensee within the State of Alabama and available for inspection within a reasonable period of time by ABC Board personnel or any other authorized individual. These records may be maintained using an electronic method, provided that the records may be immediately transferrable upon request by an ABC employee. (5) An ABC Board retail licensee shall not sell to any person or other licensee for purposes of resale, nor shall such licensee purchase or attempt to purchase alcoholic beverages from another ABC Board retail licensee. (6) All ABC Board retail licensed premises shall be adequately lighted for purposes of observing the operation thereof or patrons therein.</p>	28-3A-25 (a)(5), 28-3-2
20-X-6-.05	Dispensers of Pre-Mixed Beverages	<p>(1) When necessary to the efficient and economical operation of a retail liquor licensed premises, any such licensee may use dispensers for pre-mixed beverages after first obtaining the state or county health department's establishment inspection report. Evidence of current establishment inspection report by any such agency shall be displayed on the licensed premises in public view at all times. (2) Any dispenser for pre-mixed beverages, not having said current establishment inspection report, shall not be used and shall be subject to confiscation. (3) Any licensee offering pre-mixed beverages served on the licensed premises shall disclose the quantity and type of alcoholic beverages contained therein. This information shall be available, upon request, to the public, ABC Board personnel, and law enforcement.</p>	28-3-2

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.06	Person in Charge	Each licensee, except a licensed individual who is on the premises, shall have a designated person who is at least 21 years of age present and in actual charge of the business being conducted under the license at any time the licensed establishment is open for business, whether or not the privileges of the license are being exercised. The name of the designated person of every retail licensee shall be posted in an area of the establishment, readily available to ABC Board personnel, in letters not less than one inch in size, during the time the designated person is in charge.	N/A
20-X-6-.07	Service of Alcoholic Beverages on Patios or Around Swimming Pool Areas	Any ABC Board on-premises licensee may serve alcoholic beverages as authorized by their license on patios or around swimming pool areas adjacent to or connected with the main licensed premises. Said serving area shall be located so as not to be a nuisance nor readily visible from a church or school premises.	28-3-49, 28-3A-23(f)
20-X-6-.08	Repealed		N/A
20-X-6-.09	Minors	(1) It shall be unlawful: (a) For any person to sell, furnish, give to or purchase alcoholic beverages for any minor; or to attempt to sell, furnish, give to or purchase alcoholic beverages for any minor. (b) For any minor to falsely represent that they are of legal drinking age, and by means of such false representation, buy, receive, or otherwise obtain, or attempt to buy, receive, or otherwise obtain any alcoholic beverages. (c) For any person to falsely represent or attempt to falsely represent that a minor is of legal drinking age, and by means of such false representation, aid and abet, or attempt to aid or abet, the minor to buy, receive or otherwise obtain alcoholic beverages. (d) For a licensee, employee or agent thereof to accept any proof of age from a person purchasing or attempting to purchase alcoholic beverages, except for the following: 1. A valid driver's license of any state. 2. A valid United States Uniformed Service Identification. 3. A valid passport. 4. A valid identification issued by any agency of a state for the purpose of identification, bearing a photograph and date of birth of the individual in question.	28-3A-25(a)(3)
20-X-6-.10	Employment of Minors	(1) It shall be unlawful for any minor to sell or serve, except as provided by Title 28, Code of Ala. 1975, and/or ABC Board Rules and Regulations, or to dispense or consume alcoholic beverages on any licensed premises. (2) A minor employee of a wholesale licensee or an off-premises retail licensee may handle, transport or sell beer or table wine, provided there is an adult employee in attendance at all times. (3) A minor employee in an on-premises licensed establishment shall not serve, dispense or consume alcoholic beverages, and there must be an adult in attendance at all times.	28-1-5

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.11	Prohibition Of Obscene, Lewd Or Indecent Conduct On Licensed Premises	(1) No ABC Board licensee shall permit bottomless dancing, topless dancing wherein the portion of the female breast beneath the top of the nipple is exposed or any other lewd or indecent conduct on the premises of the licensee. (2) No ABC Board licensee shall permit any person to perform acts of or acts which simulate: (a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law. (b) The touching, caressing or fondling on the breasts, buttocks, anus or genitals. (c) The displaying of the portion of the female breast beneath the top of the nipple, pubic hair, anus, vulva or genitals. (3) No ABC Board licensee shall permit any patron, customer or member to touch, caress or fondle the breasts, buttocks, anus, genitals or any part of the body or clothing of a performer. Performers may not touch, caress or fondle the breast, buttocks, anus, genitals or any part of the body or clothing of patrons or other performers. (4) No ABC Board licensee shall permit the showing of films, still pictures, electronic reproduction or other visual reproductions depicting: (a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law. (b) Any person being touched, caressed or fondled on the breasts, buttocks, anus or genitals. (c) Scenes wherein a person displays the vulva or the anus or the genitals. (d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.	N/A
20-X-6-.12	Premiums or Presents to Induce Purchase Prohibited	It shall be unlawful for any person licensed to sell alcoholic beverages to offer to give anything of value as a premium for the return of caps, corks, labels or coupons taken from any bottle or package containing alcoholic beverages. It shall be unlawful to offer to give anything of value as a premium, present, or discount to induce the purchase of alcoholic beverages, or for any other purpose whatsoever in connection with the sale of alcoholic beverages. This regulation does not apply to any "add-on" or "on-package" item furnished by the manufacturer at no cost to the wholesaler or the Board, or any "point-of-sale" advertising item which is not for personal use of the consumer.	28-3A-25(a)(10)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.13	Limitations on Happy Hour and Similar Price Reductions	(1) It shall be unlawful for any ABC Board licensee to: (a) Serve multiple drinks for a single price. (b) Establish a single retail price based upon the required purchase of two or more drinks. (c) Sell or otherwise furnish drinks before 10 a.m. or after 9 p.m. at a price which is reduced from the usual customary or established retail price charged for such drinks. (d) Sell or provide one person or group of persons drinks at prices less than those charged the general public for that day. (2) Nothing herein shall be construed to prohibit a licensed establishment, whose primary purpose is to provide overnight lodging, from offering complimentary alcoholic beverages to registered guests who are of legal age to consume alcohol. (3) Nothing herein contained shall be construed to prohibit the dispensing of drinks customarily sold in pitchers, provided such pitchers shall be available at all times the licensee is open for business. The usual, customary or established retail price thereof shall not be reduced before 10 a.m. or after 9 p.m. (4) The term "drink" or "drinks" is defined herein to mean any beverage containing any quantity of alcohol. "Multiple drinks" is defined to mean two or more drinks containing any quantity of alcohol or a single container which contains more than the normal quantity of alcohol for an individual drink in accordance with ABC Board Regulation 20-X-6-.04(2). The term "pitcher" is defined to mean any receptacle containing a maximum of sixty (60) fluid ounces of beverages. (5) This regulation shall not apply to legitimate, prearranged private parties, functions, or events where guests thereof are served in a room or rooms so designated and used exclusively therefor.	28-3-2(a), 28-3A-23(f)
20-X-6-14	ABC Board Off-Premises Licensees	No ABC Board off-premises licensee, employee, or agent thereof shall: (1) Sell, furnish or give any alcoholic beverage to any person if such person appears, under the totality of the circumstances, to be intoxicated. (2) Consume alcoholic beverages during the individual's working hours. (3) Allow alcoholic beverages to be consumed on its premises.	28-3A-25(a)(4), 28-3-2
20-X-6-.15	Repealed		

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.16	On-Premises Retail Licensee Price List	<p>(1) On-premises retail licensees shall utilize a price list, of any size desired, indicating uniformly all brands of alcoholic beverages offered for sale by the licensee for on-premises consumption. The price list shall be furnished or visible to the patrons. The preparation and expense of preparation of the price list shall be borne by the retail licensee, and it shall be unlawful for the retail licensee to request or require of the wholesaler the preparation or payment of the cost of providing a price list, and it shall be unlawful for the wholesaler to provide such a price list or pay the expense thereof. (2) The price list shall not be displayed on the licensed premises in a manner appearing to favor any brand or brands, except according to the price thereof. (3) The price list need not contain the name of products being offered on a trial or temporary basis by the licensee. It is presumed that a product which has been purchased, by said licensee, from a licensed wholesaler or from the ABC Board on three occasions, is no longer offered on a trial or temporary basis.</p>	N/A
20-X-6-.17	Sales from Storage Cabinets in Guest Rooms	<p>(1) Licensees of the ABC Board possessing the privilege of selling liquor at retail who regularly offer to the public, for compensation, transitory lodging or sleeping accommodations may provide alcoholic beverages to registered guests twenty-one years of age or older in storage cabinets within individual private rooms of lodging. (2) All storage cabinets (also commonly known as mini bars) in private rooms must be locked with a secure locking device. The key or combination needed to open the cabinets may only be given by the licensee to the registered guest responsible for the room rental. (3) The sale of alcoholic beverages from storage cabinets is deemed to occur upon the use of the key or combination to the locking device. In the case of refills or restocking, the sale is deemed to occur upon delivery by room service. No sale of alcoholic beverages shall be made on Sundays after 2:00 A.M., except where the sale thereof is permitted by law. (4) All alcoholic beverages shall be in unopened containers. After the registered guest vacates the room, the licensee shall promptly inventory, lock and secure the storage cabinet. All containers which have been opened must be removed from the private room. The contents of the opened containers must be poured out immediately and not reused. (5) If the licensee determines or has reason to believe that the registered guest having the key or combination to the storage cabinet has allowed or intends to allow minors to consume alcoholic beverages from the cabinet, then the licensee shall take action as necessary to remove the alcoholic beverages from the cabinet and/or retrieve the key or cancel the combination device. (6) ABC Board agents may enter any room containing a storage cabinet, for inspection thereof, at any time that the room is not occupied by a registered guest.</p>	28-3A-13

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.18	Draft Beer for Off Premise Consumption	<p>(1) A licensee authorized to sell draft beer for off- premise consumption and their employees may fill, refill, and sell beer in a refillable container or jug that is glass, ceramic, aluminum, stainless steel or other material approved by the Board that is no larger than 128 ounces in size and must be capable of being securely sealed in a manner approved by the Board. Plastic containers may be used, but are not reusable.</p> <p>(2) Beer, for the purpose of this rule, means beer as defined by Section 28-3-1(3) of the Code of Ala. 1975.</p> <p>(3) Filling and Refilling Requirements: (a) The container shall have the capacity to hold no more than 128 ounces. (b) The container shall be filled or refilled only by the licensee or the licensee’s employees who are 21 years of age or older. (c) The container shall be filled or refilled only at the time the in-person sale is made and only with beer from the original container. (d) A licensee may exchange a container that can be refilled, provided the exchange occurs at the time of the in-person sale. (e) Prior to filling and refilling, the container and its cap shall be cleaned and sanitized by the licensee or the licensee’s employee in compliance with the rules for refilling returnables established by the United States Food and Drug Administration and the Alabama Department of Public Health. (4) Restrictions: (a) A container shall not be filled in advance of a sale. (b) A container filled pursuant to this rule shall not be direct-shipped to a consumer. (c) A container filled pursuant to this rule shall not be sold or otherwise distributed to a retailer. (d) A licensee or a licensee’s employee shall not allow a consumer to fill or refill a container.</p>	28-3A-16,28-3A-17
20-X-6-.18 (cont.)	Draft Beer for Off Premise Consumption (cont.)	<p>(e) The filling, refilling and selling of a container shall be limited to the hours in which beer may be legally sold. (f) A filled or refilled container shall not be sold or provided to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated. (5) Sealing Requirements. A filled or refilled container shall be securely sealed at the time of sale by the licensee or the licensee’s employee in the following manner: (a) A container shall bear a twist-type cap, screw-on cap, flip-top lid, stopper, or plug. (b) A plastic heat shrink wrap band, strip, or sleeve shall extend around the cap, lid, and stopper or plug to form a seal that must be broken upon the opening of the container. (c) A container will not be regarded as sealed unless the seal is unopened and has not been tampered with and the contents have not been partially removed. (6) Labeling Requirements. Containers that are filled or refilled on demand by manufacturers or retail brewpub licensees shall be affixed with an ABC Board approved label that contains the following information: (a) The brand name of the product dispensed. (b) The name of brewer or bottler. (c) Net contents. (d) Name and address of business that filled or refilled the container. (e) Date of fill or refill. (f) The amount of alcohol by volume. (g) The alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22.</p>	
20-X-6-.19	Manufacturer Licensees with On-Premises Sales and Consumption	<p>Manufacturer Licensees with on-premises sales and consumption shall: (1) Comply with all provisions listed in 20-X-6-.02. (2) Not engage in any other act prohibited by Title 28 or ABC Rules and Regulations unless specifically authorized herein.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.20	Wine Containers for On and Off Premise Sales	<p>(1) Pursuant to 28-3A-14 and 28-3A-15, holders of an on- and off-premises retail table wine license or off-premises only retail table wine license may offer for sale, wine in containers as approved by the ABC Board. (2) In order to be approved, containers must be inspected by ABC Board personnel for compliance with this chapter, and a photograph of the approved container maintained on file at the ABC Board. (3) Those locations conducting sales of wine for on-premises consumption must conform to statutes contained in Title 28 and all ABC Rules and Regulations as required for consuming on-premises. (4) All off-premises retail sales must meet the following requirements: (a) All sales must be in a sealed container and cannot exceed a total of 128 ounces or one gallon. 1. A sealed container is a container that has never been used and has a secure lid or cap designed to prevent consumption without the removal of the lid or cap which must be tamper- evident. The container may not include a lid with an opening for a straw or sipping holes. 2. A tamper-evident lid or cap is one that has been sealed with a tamper-evident cover, including but not limited to wax dip, heat shrink wrap, or an adhesive seal or tape affixed to the lid and container in such a way that will be evident if the seal, tape or wrap has been broken, tampered with and/or re-sealed. Whichever method is used, any breaking, rolling, unraveling, separation, or any condition of the seal such that said seal is in a condition other than as approved by the ABC Board is prima facia evidence of a violation of this section. 3. The sealed container must be conspicuously labeled with the words, "Contains Alcohol". (b) Any alcohol dispenser must not be within reach of a customer. All alcohol must be dispensed and the container sealed by the licensee or an employee of the licensee at the point of sale. (c) Off-premises sales of containers of table wine may not exceed 256 ounces or two gallons per customer per day. (d) All sealed containers of table wine must be kept sealed at all times during vehicular transportation from the place of purchase to the destination.</p>	28-3A-14, 28-3A-15

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.21	Delivery Service License	<p>(1) Delivery service licensees may only deliver alcoholic beverages during the retailer's regular hours of operation and shall also abide by all applicable laws. (2) There shall be no discounts on alcoholic beverages purchased through a delivery service unless those discounts are simultaneously offered at the physical location of the licensee with off-premises retail privileges. Discounts on alcoholic beverages not simultaneously offered at the licensee's physical location are prohibited. (3) Manufacturers and/or Brewpubs that have a delivery service license: (a) Manufacturers and/or Brewpubs that produce beer must allocate beer intended for retail sales in accordance with §28-3A-6 and §28-4A-4 before delivery. (b) Wine manufacturers must report for excise taxes all wine purchased for delivery. (c) Liquor manufacturers must allocate spirits intended for retail sales in accordance with §28-3A-6 before delivery (4) Manufacturers and/or Brewpubs with a delivery service license must abide by the off-premises consumption sales limits under §28-3A-6 and/or §28-4A-3. (5) A delivery service licensee shall return any beer, wine and/or spirits to the licensed location where the purchase originated if the delivery is unable to be completed. In no event shall a delivery service licensee leave an alcoholic beverage unattended. (6) As per ACT 2021-188, Spirits purchased with a meal order, which is delivered by a restaurant licensee holding a delivery service license or on behalf of a licensed restaurant by a delivery service licensee, cannot exceed 375 milliliters per customer. For the purposes of this section, a customer is the individual or entity that pays for and completes the transaction for the meal purchase regardless of the number of meals contained within the order.</p>	28-3A-13.1
20-X-6-.22	Direct Wine Shipper License and Wine Fulfillment Center License.	<p>(1) A common or permit carrier that ships or transports wine to a resident of the state shall require each recipient, upon receipt of the shipment, to provide valid photo identification that conforms to board rules and verifies that he or she is at least 21 years of age. (2) A common or permit carrier shall return any direct wine shipment for destruction if: (a) The recipient is under the age of 21 years or fails to provide proper proof of identification. (b) The recipient appears intoxicated or the environment unsafe for the consumption of alcohol. (c) The recipient refused to sign for the shipment. (d) The recipient declines to accept the shipment. (3) A common or permit carrier shall not, under any circumstances, leave a direct wine shipment unattended. (4) All containers of wine shipped directly to a resident must be conspicuously labeled on the front and back of the package with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". All lettering must measure a minimum of ¼ inch in height.</p>	28-3A-6, 28-4A-3, 28-3A-6.1, 28-3A-6.2

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-6-.23	Sale of Alcoholic Beverages by Food or Beverage Truck Retail Licensees	<p>(1) Any class of municipalities where food or beverage trucks are authorized by law, may allow fully encased food or beverage trucks, as provided for in 28-3A-17.1, to sell alcoholic beverages for on-premises consumption in a designated area within an entertainment district. Such trucks may only offer for sale food, beverages, or alcoholic beverages. Alcoholic beverage sales are limited to one beverage, not to exceed sixteen {16} ounces, per person, per transaction. (2) In accordance with 20-X-6.04(2), the quantity of liquor served in an individual drink shall be posted by the Food and Beverage Truck licensee, in a conspicuous place visible to customers, on a notice that reads "All drinks contain ounces of liquor, unless special ordered". Said notice shall be no less than 8.5" X 11" with two {2} inch letters. (3) Food or Beverage Truck licensees must comply with all on-premises rules and regulations, with the exception of requirements for restrooms and seating. (4) A Food or Beverage Truck licensee shall notify the ABC Board at least seven (7) days in advance of each event where the licensee will sell alcoholic beverages. (a) The notification shall include the exact location, the dates and times of the operation, how the licensee plans to secure the alcoholic beverages, and if the licensee intends to provide a seating area. (b) If seating is to be provided, the licensee must also provide a sketch of the layout, showing the dimensions of the seating area and the type of boundary that will be placed to designate this area. Said seating area and boundary are subject to ABC Licensing and Compliance Division approval. (5) A Food or Beverage Truck Licensee must store the food or beverage truck along with all alcoholic beverages purchased for the food or beverage truck in a secured, locked area. The address where the food or beverage truck and the alcoholic beverages will be stored, must be submitted at the time of application for license and will be considered part of the licensed premises.</p>	28-3A-17.2
20-X-7-.01	General Advertising Provisions	<p>The following regulations shall apply to all advertising of alcoholic beverages regardless of medium: (a) All proposed advertising may be submitted to the ABC Board for prior approval before dissemination within Alabama. This includes, but is not limited to, radio, television, newspapers, magazines, billboards, point-of-sale materials, novelty items, clothing, promotions, internet and aerial displays. (b) A copy in duplicate of the format and message of the proposed advertisement may be submitted to the ABC Board for approval before the final release of the advertisement. If submitted, one copy shall be retained by the ABC Board and the other copy returned as authority for release of the advertisement. (c) Advertising disseminated by way of T-shirts, caps, other clothing items and novelty items, may be submitted to and approved by the ABC Board prior to distribution. This regulation may be applicable to advertisements utilizing slogans, logos or brand names contained on T-shirts, caps, clothing and novelty items. (d) Although prior approval is not required, failure to comply with the provisions of this chapter shall be considered a violation of the advertising provisions. (e) The ABC Board may exercise its discretion to prohibit advertising it considers objectionable.</p>	28-3-2(a), 28-3-16

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.01 (cont.)	General Advertising Provisions (cont.)	(f) All advertisements shall pertain to alcoholic beverages approved and/or listed by the ABC Board at the time such advertisements are disseminated. (g) No advertisement may include any illustration(s) of any person(s) consuming alcoholic beverages or any person(s) posed in an immodest or sensuous manner, nor shall any advertising contain profanity or offensive language. (h) No advertisement shall include anything which might appeal to minors by implying that the consumption of alcoholic beverages is fashionable or the accepted course of behavior. (i) No promotional activities, sweepstakes, or contests may award alcoholic beverages as prizes. (j) Refund coupons or cents-off coupons which require or induce the purchase of table wine or beer are prohibited. (k) No ABC Board licensee may give to consumers any advertising or promotional items having more than advertising value. In cases of items having more than advertising value, including but not limited to T-shirts, caps, clothing and novelty items, the licensee may sell such items to consumers but must recover all costs thereof on a per unit basis in the resale to the consumer. This paragraph shall not be applicable to alcoholic beverages packaged by the manufacturer with an item or items of advertising contained therein, sometimes called an "onpack".	
20-X-7-.02	Repealed		
20-X-7-.03	Repealed		
20-X-7-.04	Advertising by Billboards	(1) Any signs and/or billboards advertising alcoholic beverages and illuminated with flashing lights are prohibited. (2) The term "billboard" shall be construed to mean a framework or structure no smaller than 432 square inches, customarily erected and maintained by outdoor advertising agencies, erected or constructed with supports annexed to the board, on which is painted, posted or placed thereon advertising matter. Signs affixed to fence posts, trees, pilings, or other supports not customarily designed for advertising matter are not considered billboards.	28-3-16

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.05	Cooperative Advertising	<p>(1) There shall be no cooperative advertising between a producer, manufacturer, importer, wholesaler, or a retailer of alcoholic beverages. (2) The term "cooperative advertising" shall mean payment or credit to any person licensed to sell alcoholic beverages at retail for all or any portion of advertising by a producer, importer, or wholesaler of alcoholic beverages, whether or not licensed by the ABC Board. (3) The term "cooperative advertising" shall not be construed to include point-of-sale advertising furnished by a manufacturer or wholesaler to a retailer, or any joint effort between a manufacturer and a wholesaler or an importer and a wholesaler. (4) Point-of-sale advertising material(s) determined to have financial worth in excess of advertising value shall not be distributed to a retailer until the cost is paid by the retailer to the supplier. (5) There shall be no signs or banners outside the premises of any retail licensee which advertise a particular manufacturer or brand of alcoholic beverages except that special events retail licensees, international motor speedways retail licensees, and any retail licensees operating a stadium, ballpark or outside theater shall be permitted to have such signs and banners which advertise a particular brand of alcoholic beverages.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.05 (cont.)	Cooperative Advertising (cont.)	<p>(6) Durable retail advertising specialties, such as clocks, pool table lights, non-electric coolers and the like which bear prominent advertising of a particular manufacturer or brand of alcoholic beverages shall be considered as point-of sale advertising material which has no financial worth in excess of its advertising value. The transfer of possession of durable retail advertising specialties to a retailer shall be absolute, irrevocable and shall not be conditioned upon any business relationship including, but not limited to, the purchase of alcoholic beverages. (7) Expendable retail advertising specialties provided to a retailer by a manufacturer or wholesaler such as ash trays, coasters, mats, table tents, napkins, cups, glassware, thermometers, and the like, shall be sold to a retailer at a price not less than the actual cost to the industry member who initially purchased such specialty or specialties, without limitation in total dollar value of such items sold to the retailer. (8) Consumer advertising specialties provided to a retailer by a manufacturer or wholesaler such as T-shirts, bottle openers, shopping bags, buttons, key chains, and the like, shall be sold to a retailer at a price not less than the actual cost to the industry member who initially purchased such specialty or specialties, without limitation in total dollar value of such items sold to the retailer. Provided that where the consumer advertising specialty or specialties are given to the consumer directly by an employee or agent of the wholesaler licensee, there shall be no charge to the retailer for the cost of such specialty. (9) Reserved (10) The term "and the like" as it appears in the paragraphs addressing durable retail advertising specialties, expendable retail advertising specialties, and consumer advertising specialties may include any item in addition to those enumerated as the Board may designate.</p>	
20-X-7-.06	Aerial Displays	<p>(1) Alcoholic beverages may be advertised by means of tethered aerial displays, and shall be subject to the following terms and conditions: (a) The licensee may receive prior written approval from the ABC Board as to the display itself and proposed location. Although prior approval is not required, failure to comply with the provisions of this chapter shall be considered a violation of the advertising provisions. (b) Aerial displays shall be tethered or anchored on the premises of a licensee, but in no event in excess of 48 continuous hours. (c) Aerial displays shall be permitted only in conjunction with special events and/or promotional activities and shall not be used solely in the ordinary course of a licensee's business. (2) Aerial displays shall not be permitted on Sundays after 2 a.m. (3) Aerial displays shall not be permitted where the use of the display is determined to be detrimental to the health, safety and welfare of the public.</p>	28-3-2(a)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.07	Wine Tastings	<p>Table wine tastings may be permitted subject to the following terms and conditions: (a) Wine tastings are permitted to be conducted on any premises holding an ABC retail or wholesale license to sell wine. (b) All wine tasting events shall be subjected to the following requirements: 1. Notification shall be given by the licensee to the ABC Board seven (7) days prior to the tasting event. If an event is held weekly, notification may be made in writing to the ABC Board at the start of the calendar year indicating the name of the business, the license number, the location of the tasting, the days and times of the tastings, and the duration of the weekly tasting. 2. Only products which have been approved for sale within the state may be used for tastings. 3. The products used shall be designated for tasting use only and shall not be sold and/or consumed otherwise. 4. Those conducting the tasting shall maintain proof of purchase for the products. 5. Wine tastings shall be of a structured nature and not exceed a period of 2 ½ continuous hours. 6. All wine shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer. Individual samples furnished to a consumer shall contain no more than two ounces of the wine. 7. Tastings shall be conducted by licensed wine wholesalers or manufacturers on any of the licensed premises referred to in (a) above. The wholesaler or manufacturer shall be permitted to conduct wine tastings utilizing its own personnel, or industry representatives who have permits and identification, with assistance from retail personnel if desired. At all tastings, the wholesaler, the manufacturer, or the retail licensee shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct said tastings. 8. Any product with a broken seal shall be removed from the licensees' premises at the end of the tasting event. 9. All cost of a wine tasting, including the cost of the wine, shall be borne by the licensee on whose premises the wine tasting is held.</p>	28-3A-20.2

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.07 (cont.)	Wine Tastings (cont.)	(c) All wine tasting events shall be subject to the following restrictions: 1. Tastings shall not be offered to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated. 2. The tasting area shall be confined to the licensed premises, in a designated area, so as to separate the event from any point-of-sales of alcoholic beverages. Tastings shall not be conducted on a patio, or parking area that is outside the licensed premises. This restriction does not prohibit a special event licensee from conducting an outdoor tasting event. A special event retail licensee shall be required to designate one area within the licensed premises to conduct tastings. 3. The tasting area shall contain at a minimum one table. The wholesaler, manufacturer, or its representative shall be present at the table throughout the duration of the tasting event. 4. Only the product shall be served at the tasting event. Non-alcoholic mixers may be added. 5. Other than purchases allowed by license type and that are necessary for a planned tasting event, no licensee shall receive payment or any other consideration directly or indirectly from any other licensee. 6. No promotions, sweepstakes, prizes, or contests shall be held during a tasting event. 7. No signs or banners advertising the event shall be placed outside the licensed premises. (d) The licensee shall be held responsible for a tasting event held on their licensed premises. (e) The Board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continued tastings by any licensee found to be conducting tastings in violation of applicable state laws and ABC Rules and Regulations. (f) Additional requirements for state liquor stores and for private package stores - lounge retail liquor- Class II: 1. Tastings shall commence no later than six o'clock p.m. and not exceed a period of two hours. 2. Individual samples furnished to a consumer shall contain no more than one ounce of wine. No more than four (4) samples shall be provided to a consumer per tasting event in a 24-hour period. 3. Tastings shall be conducted at no charge, either directly or indirectly, to the customer.	
20-X-7-.08	Repealed		
20-X-7-.09	Advertising Using the Alabama Beverage Control Board Name or Emblem	(1) It shall be unlawful for any licensee to use as a part of its official name or trade name the following words, phrases, or initials: "State Store," "State," "ABC" or such other description as might likely confuse or mislead the public into believing that the licensed establishment is operated by the ABC Board. (2) It shall be unlawful for any licensee to use any logo or emblem about its licensed premises or in any mode of advertising that is identical to that used by the ABC Board or so similar that the public would likely be confused or misled into believing that the licensed premises are operated by the ABC Board.	N/A

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.10	Beer Tastings	<p>Beer tastings may be permitted subject to the following terms and conditions: (a) Beer tastings are permitted to be conducted on any premises holding an ABC retail or wholesale license to sell beer. (b) All beer tasting events shall be subject to the following requirements: 1. Notification shall be given by the licensee to the ABC Board seven (7) days prior to the tasting event. 2. Only products which have been approved for sale within the state may be used for tastings 3. The products used shall be designated for tasting use only and shall not be sold and/or consumed otherwise. 4. Those conducting the tasting shall maintain proof of purchase for the products. 5. Beer tastings shall be of a structured nature and not exceed a period of 2 1/2 continuous hours. 6. All beer shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer. Individual samples furnished to a consumer shall contain no more than two ounces of the beer. 7. Beer tastings shall be conducted by beer manufacturers or wholesalers on any of the licensed premises referred to in (a) above. The manufacturer or wholesaler shall be permitted to conduct beer tastings utilizing its own personnel, or industry representatives who have permits and identification, with the assistance from retail personnel if desired. At all tastings, the manufacturer, wholesaler or retail licensee shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct said tastings. 8. All cost of a beer tasting, including the cost of the beer, shall be borne by the licensee on whose premises the beer tasting is held. 9. Any product with a broken seal shall be removed from the licensee's premises at the end of the tasting event. (c) All beer tasting events shall be subject to the following restrictions:</p>	N/A

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.10 continued		<p>1. Tastings shall not be offered to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated. 2. The tasting area shall be confined to the licensed premises, in a designated area, so as to separate the event from any point-of-sales of alcoholic beverages. Tastings shall not be conducted on a patio or parking area that is outside the licensed premises. This restriction does not prohibit a special event licensee from conducting an outdoor tasting event. A special event retail licensee shall be required to designate one area within the licensed premises to conduct tastings. 3. The tasting area shall contain, at a minimum, one table. The wholesaler, manufacturer, or its representative shall be present at the table throughout the duration of the tasting event. 4. Only the product shall be served at the tasting event. Non-alcoholic mixers may be added. 5. Other than purchases allowed by license type and that are necessary for a planned tasting event, no licensee shall receive payment or other consideration directly or indirectly from any other licensee. 6. No promotions, sweepstakes, prizes, or contests shall be held during a tasting event. 7. No signs or banners advertising the event shall be placed outside the licensed premises. (d) The licensee shall be held responsible for a tasting event held on their licensed premises. (e) The Board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continued tasting by any licensee found to be conducting tastings in violation of applicable state laws and ABC Rules and Regulations.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.11	Spirits Tasting	<p>Spirits tastings may be permitted subject to the following terms and conditions: (a) Spirits tastings are permitted to be conducted on any premises holding an ABC retail license to sell spirits. (b) All spirit tasting events shall be subject to the following requirements: 1. Notification shall be given by the licensee to the Board seven (7) days prior to the tasting event. 2. Only products which have been approved for sale within the state may be used in tastings. 3. The products used shall be designated for tasting use only and shall not be sold and/or consumed otherwise. 4. Those conducting the tasting shall maintain proof of purchase for the products. 5. Spirits tastings shall be of a structured nature and not exceed a period of 2 1/2 continuous hours. 6. All spirits shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer. Individual samples furnished to a consumer shall contain no more than one-half ounce of the spirits. No more than three (3) samples may be furnished to a consumer in one calendar day. 7. Spirits tastings shall be conducted by licensed manufacturers or their representative on any of the licensed premises referred to in (1)(a) above. The representative shall be permitted to conduct spirits tastings utilizing its own personnel, or industry representatives who have permits and identification, with assistance from retail personnel if desired. At all tastings, the manufacturer or manufacturer's representative shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct the tastings. 8. Any product with a broken seal shall be removed from the licensee's premises at the end of the tasting event. 9. All cost of a spirits tasting, including the cost of the spirits, shall be borne by the licensee on whose premises the spirits tasting is held. (c) All spirit tasting events shall be subject to the following restrictions: 1. Tastings shall not be offered to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated. 2. The tasting area shall be confined to the licensed premises, in a designated area, so as to separate the event from any point-of-sales of alcoholic beverages.</p>	28-3A-20.2

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-7-.11 continued		<p>Tastings shall not be conducted on a patio, or parking area that is outside the licensed premises. This restriction does not prohibit a special event licensee from conducting an outdoor tasting event. A special event retail licensee shall be required to designate one area within the licensed premises to conduct tastings. 3. The tasting area shall contain at a minimum one table. The manufacturer or its representative shall be present at the table during the duration of the tasting event. 4. Only the product shall be served at the tasting event. Non-alcoholic mixers may be added. 5. Other than purchases allowed by license type and that are necessary for a planned tasting event, no licensee shall receive payment or any other consideration, directly or indirectly, from any other licensee. 6 No promotions, sweepstakes, prizes, or contests shall be held during a tasting event. 7 No signs or banners advertising the event shall be placed outside the licensed premises. (d) The licensee shall be held responsible for a tasting event held on their licensed premises. (e) The Board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continued tastings by any licensee found to be conducting tastings in violation of the applicable state laws and ABC Rules and Regulations. (f) Additional requirements for state liquor stores and for private package stores- lounge retail liquor - Class II: 1. Tastings shall commence no later than six o'clock p.m. and not exceed a period of two hours. 2. Individual samples furnished to a consumer shall contain no more than one-quarter ounce of the spirits. 3. Tastings shall be conducted at no charge, either directly or indirectly, to the customer.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-.01	Manufacturer and Importer Requirements	<p>(1) Each licensed manufacturer or importer of beer, malt-based beverages, or table wine shall file, with the ABC Board, a consolidated report prior to the twentieth day of each month on a form supplied or approved by the ABC Board. This report may include not only printed reports, but also reports presented on electronic media in such format as approved by the Board. This report shall include: (a) All beer, malt-based beverages, or table wine shipped into Alabama, giving the number of cases, number of containers per case, size of container, invoice number, date of shipment and to whom sold. (b) A copy of each sales invoice of beer, malt-based beverages or wine shipped into the State. (2) Each licensed manufacturer or importer of beer, malt-based beverages, wine or spirits shall, upon request of ABC Board personnel, voluntarily provide at no cost, alcoholic products in the original container for testing by an ABC Board approved laboratory. (3) Small farm wineries are wine manufacturer licensees that produce fewer than fifty thousand (50,000) gallons of table wine per year, and meet one of the following criteria: (a) Produce at least 50 percent of its total production of table wine from fruit that is grown in Alabama, or (b) Produce all of its total production of table wine within Alabama and owns not less than eight (8) acres of vineyards in Alabama. For the purpose of this regulation, the term "vineyards" means land used exclusively for farming fruit or produce, not including any building, home, or building used for storage. (4) A small farm winery may sell its wines produced on its licensed premises directly from its licensed premises at retail to consumers physically present at the licensed premises. (5) Employees of small farm wineries must transport wine using a vehicle owned or leased by the winery with signage bearing the name of the winery.</p>	28-3A-6, 28-3A-7
20-X-8-.01 continued		<p>Personal use vehicles or independent contractors shall not be used in the transportation of wine to retailers. (6) Small farm wineries shall not: (a) Directly or indirectly induce a retailer to purchase wine from the winery (b) Directly or indirectly require a retailer "by agreement or otherwise" to purchase wine from the winery (c) Offer or give any bonus, premium, or compensation to employees, officers, agents, representatives, or anyone acting (directly or indirectly) on behalf or to the benefit of the retailer to induce a retailer to purchase wine from the winery (d) Repurchase, pick up, or trade out any wine other than out-of-date or close to out-of-date wine once it is sold and delivered to the retailer. Recipient retailers shall not request the small farm winery to repurchase, pick up, or trade out any wine. This prohibition is not intended to prevent the pickup or return of goods damaged prior to or during delivery by the small farm winery. (7) Small farm wineries must adhere to Rule 20-X-8-.14 and Rule 20-X-9-.04.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-.02	Importer License Requirements	(1) Prior to making any sales in Alabama, each importer licensee shall file with the ABC Board, a list of its product labels to be sold in Alabama, territorial agreements with wholesale licensees for these products and federal certificates of label approval for these products. (2) Each resident importer licensee shall file a report of all alcoholic beverages received in Alabama during the preceding month. These reports shall be furnished to the ABC Board on or before the twentieth day of each month following the month of receipt in a manner approved by the Board. (3) If the resident importer licensee is also licensed as an Alabama wholesaler, the inventories of each license shall be maintained separate and distinct wherever situated. (4) A wine importer licensee may sell or distribute wine in any size container as prepared by the manufacturer.	28-3A-7; 28-3-49
20-X-8-.03	Assessment on Direct Import for Personal Use	(1) Any person, firm, organization or corporation desiring to purchase for personal use any alcoholic beverages outside of Alabama for delivery into Alabama shall first secure written approval from the ABC Board prior to said importation, except as authorized by ACT 2021-419. (a) The alcoholic beverages shall be ordered and paid for by the purchaser, including prepaid freight charges. (b) The shipment of said alcoholic beverages shall be consigned to the purchaser in care of an ABC Board state liquor store. (c) Upon arrival at the ABC Board state liquor store and upon payment of the assessments provided herein, the purchaser may assume possession thereof. (d) All alcoholic beverages brought into Alabama under this regulation shall be for personal use and not for resale. (e) There shall be no delivery of alcoholic beverages to any person, firm, organization, or corporation within this state who is not a licensee of the ABC Board except as provided herein. Nothing contained in this regulation shall prevent persons from bringing alcoholic beverages into Alabama through the U.S. Customs Office at the Port of Mobile or any other U.S. Customs office in the State of Alabama. Any assessment thereon shall be paid to the designated ABC Board representative in accordance with the formulas set forth below. (2) In addition to securing written approval from the ABC Board, the party purchasing alcoholic beverages for delivery into this state shall pay an assessment that would be paid on the product if purchased in Alabama. The purchase price as set out on the purchase invoice or other proof of purchase of distilled spirits shall be multiplied by 1.35 to arrive at the assessment base. The assessment base should then be multiplied by .56 to arrive at the assessment due. If no purchase invoice or other proof of purchase is available for distilled spirits, the assessment on such beverages shall be in the amount set forth in the table listed below.	28-3-43(a), 28-3-43(a)(7)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-.03 continued		Whiskey Per Liter Bottled in Bond \$6.75 Straight Whiskey 5.07 Blends 3.38 Scotch 6.76 Canadian and Irish Whiskeys 5.07 Gin Distilled Gin-Domestic \$4.06 Distilled Gin-Imported 8.45 Flavored Gin 4.73 Brandy Domestic \$4.40 Imported 12.17 Rum Domestic \$2.37 Imported 4.40 Vodka Domestic \$3.38 Imported 8.12 Other Tequilas - Imported \$4.40 Liqueurs and Cordials 6.09 Cocktails 2.37 Specialties 2.37 Chapter 20-X-8 ABC Board Supp. 12/31/21 8-6 (3) The assessment on beer shall be 5 cents for every 12 fluid ounces or fractional part thereof. (4) The assessment on Class I wine shall be 38 cents per liter. (5) The assessment on Class I wine shall be \$2.42 per liter.	
20-X-8-.04	Interstate Transportation of Alcoholic Beverages	(1) Except as authorized by 28-1-4, no alcoholic beverages may be delivered from outside Alabama to any person, firm, corporation or association within the state, except to the ABC Board and to manufacturers, importers, wholesalers and warehouses licensed by the ABC Board. (2) Except as provided for in 28-1-4, the driver of any vehicle importing alcoholic beverages into Alabama shall have in their possession a bill of lading, consignment, or other documentary evidence of ownership of the entire cargo on board. The bill of lading, consignment, or other evidence must identify the origin and destination of the cargo and an itemized listing of the cargo. (3) Common or permit carriers shall follow all federal and state laws regarding the transportation of alcoholic beverages.	28-1-4, 28-3-6
20-X-8-.05	Use of Port of Mobile Facilities	Subject to ABC Board regulations, alcoholic beverages may be imported from or exported to foreign points or transferred by coastal or intercoastal movement to or through the Port of Mobile, Alabama. Such beverages may be stored at the Port of Mobile or any facility of the Alabama State Docks for delivery to the ABC Board or for transshipment to other destinations where such shipments are otherwise legal.	28-3-49

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-.06	Industry Representative	<p>(1) Manufacturer or importer licensees may have representatives call upon retail licensees of the ABC Board to explain the proper and prudent use of the licensees' alcoholic beverage products. The industry representative may conduct classes and seminars, which are educational in nature. However, the industry representative may not sell to or take an order from any retail licensee for any alcoholic beverage product, nor may the industry representative sell to or take an order from any wholesale licensee of the ABC Board for any alcoholic beverage product except wine and/or beer. (2) In order to qualify to be an industry representative, the person must be an authorized delegate of a manufacturer or importer licensee and of good moral character. The manufacturer or importer licensee shall provide the ABC Board with an affidavit stating the name, address and method of compensation of every industry representative. (3) The manufacturer or importer licensee shall pay the ABC Board an annual fee of fifteen dollars (\$15.00) due October 1 of each year for each individual industry representative within Alabama. Each industry representative will be furnished an ABC Board identification card which must be kept on their person at all times while within Alabama. (4) It is not necessary for a manufacturer or importer licensee to have an industry representative in order to conduct business with the ABC Board, nor is it necessary for a beer or wine manufacturer or importer to have an industry representative in order to conduct business with beer and wine wholesalers within Alabama.</p>	28-3A-25-(a)(15)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-.07	Samples-Gifts-Gratuities	<p>(1) No samples, gratuities, gifts or anything of value shall be given or otherwise provided to the Administrator, Assistant Administrator, members of the ABC Board, any employees of the ABC Board, or to any licensee of the ABC Board, except as follows: (a) An industry representative or a wholesale licensee may furnish at no charge a sample of alcoholic beverages to a licensee who has not previously purchased that brand within the previous six (6) months. For each individual licensee, the industry representative shall not give more than 750 milliliters of any brand of distilled spirits, nor more than 3 liters of any brand of wine nor more than one case of beer. If a product is not packaged in a size with the quantity limitations herein provided, the next largest size may be utilized. (b) An industry representative or a wholesale licensee may furnish or supply materials to be used for point-of-sale advertising. Such materials shall have no value except for advertising. Point-of-sale advertising material(s) determined to have financial worth in excess of advertising value shall not be distributed to a retailer until the cost thereof is paid by said retailer to the supplier thereof. (c) Meals, entertainment, gifts and/or travel may be given to ABC Board personnel under the following conditions: (i) The above activities must relate to legitimate ABC Board business purposes, wherein there is specialized dialogue, interaction and an exchange of information, ideas and research beneficial to the ABC Board. (ii) The exceptions provided herein shall be subject to any limitations otherwise imposed by law. (2) Manufacturers or importers choosing not to designate industry representatives within Alabama may also share the privileges herein provided. Prior to any distribution as provided herein, said manufacturers or importers shall notify the ABC Board of the identity of any persons making said distributions within this state. (3) This regulation shall not be interpreted to prohibit manufacturer, importer or wholesaler licensees from calling upon retail licensees for purposes of explaining the proper and prudent uses of said licensees' alcoholic beverage products. Said licensees may also conduct classes and seminars for the benefit of retail licensees or their employees, but only when such classes or seminars are related to educating said employees as to the proper and prudent use of said licensee's products.</p>	36-25-1
20-X-8-.08	Warehousing	<p>(1) Any person desiring to maintain one or more warehouses in Alabama for the storage of alcoholic beverages, prior to the establishment thereof, shall make written application to the ABC Board for a Warehouse License pursuant to Section 28-3A-10, Code of Ala. 1975, as well as furnish any additional information required by the ABC Board. (2) Copies of invoices of all warehouse transactions shall be on file at the warehouse(s) at all times. If a warehouse licensee is also a licensed wholesaler or manufacturer, copies of invoices of all warehouse transactions shall also be maintained at the main office thereof. (3) A warehouse licensee shall be authorized to receive, store, and warehouse alcoholic beverages, but shall not be authorized to transport or deliver any alcoholic beverages, provided that this provision shall not apply to a manufacturer's redistribution center.</p>	28-3-43(a)(4)(12); 28-3-49; 28-3A-10

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-.09	Sales by Wholesalers	<p>(1) All sales of alcoholic beverages made by wholesalers to retail licensees shall be for cash. Cash in this instance means any United States legal tender currency, electronic transfer of funds from the retail licensee to the wholesaler licensee, check drawn on the retail licensee's account, bank certified check or cashier's check, guaranteed check or postal money order, all payable to the wholesaler licensee. Cash shall also include a state warrant when a state agency is the retail licensee. Cash shall not include a credit card or debit card with regard to sales of alcoholic beverages made by wholesalers to retail licensees. The product delivery and payment therefor shall be a simultaneous transaction. Any check or money order shall be received upon delivery and deposited within one banking day after the product delivery and payment thereof. Any electronic transfer of funds shall be a simultaneous transaction with product delivery and funds transferred to the wholesaler's account shall be completed not later than one banking day after the delivery. No credit may be extended, except to a municipal, county, or state agency that is a retail licensee, and payment at any other time or by any other means shall constitute an illegal extension of credit. Failure to comply with the provisions herein shall constitute separate violations of this regulation by both vendor and vendee. In the event a vendor selects any approved method of payment as an alternative to legal tender, any risk of loss associated therewith shall be the sole responsibility of the parties and shall not constitute a violation of this regulation. (2) All wholesalers at the time of sale shall furnish the retail licensee an invoice showing the quantity of alcoholic beverages purchased, the price per unit, any deposits refunded for returnable containers, the licensee's name, complete address, and license number. All invoices shall be marked as paid by the wholesaler, dated and signed by the retail licensee or their duly authorized representative to acknowledge receipt of the goods. (3) Every wholesaler shall ascertain that all purchasers possess a currently valid license issued by the ABC Board prior to any sales thereto, except as otherwise authorized by the Board.</p>	28-3-49; 28-3-4(d)
20-X-8-.09 continued		<p>(4) Once any alcoholic beverage is sold and delivered by a wholesaler licensee to a retail licensee in salable condition, it shall be unlawful for the wholesaler to repurchase, pick up or trade out any alcoholic beverages other than out-of-date or close to out-of-date beverages, and then only if in salable condition, or for any retailer to request that the wholesaler repurchase, pick up or trade out any other alcoholic beverages. This prohibition is not intended to prevent the pick up or return of goods damaged prior to or during delivery by the wholesaler licensee or goods otherwise returnable under customary warranty practices in sales transactions.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-10	Delivery of Alcoholic Beverages by Wholesalers and In-State Manufacturers of Beer and Wine	(1) Deliveries of alcohol, including donated beer and wine to charitable special events and wine deliveries to off-site tasting rooms, shall be made by the wholesaler, manufacturer, agent or employee of the same in a vehicle bearing signage on each side identifying the licensee and transporting in the vehicle a current copy of the license or permit and the bill of lading. (2) Any delivery of beer or wine from the warehouse of a licensed wholesaler to anyone unauthorized to accept delivery of same is prohibited. (3) Any ABC Board licensee authorized to purchase alcoholic beverages from a wholesaler may do so at the premises of the wholesaler and transport such beverages to the licensee's premises, provided a copy of the current ABC Board license is located in the transporting vehicle. No retail licensee, agent or employee thereof may purchase or transport alcoholic beverages for any other licensee of the ABC Board. This shall not prohibit a wholesale licensee from making deliveries to the premises of its retail customers. All sales and deliveries of alcoholic beverages under this section shall comply with Chapter 8 of Title 28, Code of Ala. 1975. (4) All deliveries by wholesale licensees of beer and/or wine shall only be to the premises of licensees authorized to purchase same, or as authorized by the Board. (5) A wholesale licensee of the Board may conduct one full product reset per retail store, per calendar year, provided the licensee may not alter or disturb the product of other wholesale licensees. This reset may be broken up into no more than two (2) subsections for beer and three (3) subsections for wine where the sum of the partial resets equals one full reset. All retail licensees shall be treated equally and provided with the same services.	28-3A-25(a)(8)(11)(12)(15)
20-X-8-11	Keg or Draft Beer	(1) Any beer wholesale licensee selling draft beer may furnish without charge to a retail licensee, only the following equipment: (a) The device for tapping the keg; (b) The CO2 lines and beer lines from the keg and CO2 bottle to the faucet; and (c) The tap knob. (2) Any other equipment necessary to dispense draft beer may only be furnished by the wholesale licensee to the retail licensee upon recovery of the costs of installation of said equipment associated therewith. (3) A wholesale licensee may provide the services of cleaning draft beer lines at no charge to a retail licensee.	28-3-4-(d)(f), 28-3A-23(h)
20-X-8-12	Beer/Table Wine Approval	(1) No alcoholic beverage products will be sold or distributed within the state without having first received approval of the label thereon by the ABC Board. (2) No label shall be approved by the ABC Board which would violate the prohibitions listed in 20-X-7-.01 or general advertising of alcoholic beverages.	28-3A-6(c)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-8-.13	Brand and Brand Extension	(1) "Brand" is any word, name, group of letters, symbol, or combination thereof that is adopted and used by a manufacturer or importer to identify a specific beer or malt beverage product, and to distinguish that product from another beer or malt beverage product. (2) "Brand extension" is any brand (a) which incorporates all or a substantial part of the unique features of a preexisting brand of the same manufacturer or importer, and (b) which relies to a significant extent on the goodwill associated with that preexisting brand. (3) A manufacturer or importer who assigns a brand extension to a wholesaler must assign the brand extension to the wholesaler to whom the manufacturer or importer granted the exclusive sales territory for the brand from which the brand extension resulted, unless the wholesaler declines to distribute and sell that brand extension.	28-8-2
20-X-8-.14	Requirements of Financial Responsibility by Manufacturers	(1) All manufacturers' licensees in this state with retail privileges: (a) May be certified to participate in the Alabama Responsible Vendor Program prescribed by Title 28, Chapter 10, and Rule 20-X-12. (b) Shall be required to obtain and maintain, at all times, a tax bond to the ABC board equal to the greater amount of one thousand dollars (\$1000) or their annual estimated tax liability, not to exceed ten thousand dollars (\$10,000). (c) Shall maintain liquor liability insurance as prescribed by Rule 20-X-5-.14. (2) All direct wine shipper licensees conducting business in this state: (a) Shall be required to obtain and maintain, at all times, a tax bond to the ABC Board equal to the greater amount of one thousand dollars (\$1,000) or their annual estimated tax liability, not to exceed ten thousand dollars (\$10,000). (b) Shall maintain liquor liability insurance as prescribed by Rule 20-X-5-.14.	Ala. Code 6-5-71

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9.01	Liquor Wholesale Record Requirements	<p>20-X-9-.01 Liquor Wholesale Record Requirements. (1) All liquor wholesale licensees shall file a report of all liquor and wine containing spirits received during the preceding month, schedule of all sales, a stock report and a tax return with a remittance of tax on any shortages in inventory. Filing forms will be furnished by the ABC Board. These forms shall be received by the ABC Board from the licensees on or before the 20th day of each month. (2) Any inventory of liquor and/or wine containing spirits shall be segregated from all other inventory of alcoholic beverages within the licensees' warehouse(s). (3) A physical inventory of liquor and/or wine containing spirits may be taken by ABC Board representatives during normal business hours. ABC Board representatives may examine any records of the liquor wholesale licensee. (4) Liquor wholesalers shall provide a suitable place to conduct record examinations at their principal place of business during normal business hours. The wholesaler's personnel shall assist ABC Board representatives in taking periodic inventories of alcoholic beverages on hand and shall provide any necessary information required to expedite any audit. Inventories taken jointly by a wholesaler's employees and ABC Board representatives shall be certified by all parties thereto. It shall be the responsibility of the wholesaler to ensure that the inventory is accurate. No changes shall be allowed in said inventory count subsequent to the departure of the ABC Board's employees from the wholesaler's licensed premises. (5) All liquor wholesalers shall maintain records at their business, reflecting the following: (a) All liquor received by supplier, brand name, number of cases, number of containers per case, liters per container, manufacturer's invoice number, and date received. All liquor received in the wholesaler's warehouse shall be acknowledged by signature of a representative of the wholesaler on the receiving documents. The date received shall also be indicated on the documents. All liquor received shall be recorded and reported to the ABC Board as a receipt in the month the liquor was received. (b) All liquor sold, furnished, or delivered shall have a wholesaler's invoice available which shall bear information as to the recipient's name, complete address, brand name, number of cases, number of containers per case, volume per container, total liters per case, date of delivery, invoice number, and if required, the licensee's name, complete ABC license number, and amount of sale.</p>	28-3-7, 28-3-9

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.01 (cont.)	Liquor Wholesale Record Requirements (cont.)	<p>Stamps may be used but cannot replace signatures. 1. Sales invoices shall be prepared for sales made to the ABC Board and must contain the information listed in (5)(b). 2. Invoices shall be prepared for all liquor furnished as no charge as samples, gifts, and gratuities allowed under 20-X-8-.07(a), and for promotional/advertising liquor furnished civic, charitable, fraternal, or similar organizations as allowed. These invoices must contain the information listed in (5)(b), and the purpose of the promotion. An employee, officer or owner of a wholesale business may, on the premises of the wholesaler, be offered a tasting of liquor to determine items for potential purchase by the wholesaler or to develop new marketing strategies of existing product offerings. The wholesaler shall be responsible for the payment of taxes due the State of Alabama for liquor furnished in this manner. 3. Sales invoices shall be prepared for sales made to military installations and must contain the information listed in (5)(b). In addition, all stock depletions claimed for sales to military installations shall be evidenced by appropriate proof of payments to include check copies, check stubs, or a method of electronic transfer of funds that has been approved by the ABC Board with any supporting documentation provided by the military installation. The wholesaler must provide evidence of payment of the liquor sales with federal funds upon audit, or disallowance of the stock depletions will be made, and taxes assessed. (6) Stock depletion for damaged, broken or otherwise unsaleable merchandise will be allowed as a deduction from the monthly stock inventory, but only when the destruction or evidence of breakage of said merchandise is witnessed by an ABC Board representative. An affidavit shall be prepared establishing the date destroyed, when and how destroyed, the number of packages by size container and number of containers per package, brand/label, ABC code, and the signature of the wholesaler's representative and the ABC Board representative witnessing said destruction. A copy of this affidavit shall be retained by the wholesaler. The ABC Board representative witnessing the destruction shall send the original affidavit to the ABC Board. All destruction shall be made in a manner to comply with EPA rules regarding the disposal of alcoholic beverages. Responsibility for compliance with the EPA rules rests with the wholesaler.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.01 (continued)	Liquor Wholesale Record Requirements (cont.)	<p>(7) The liquor wholesaler may claim stock depletion against the monthly inventory for merchandise exported if the export is made and documented in the following manner. The wholesaler shall retain a duplicate invoice giving the name of the person, firm, corporation or association of persons to whom shipped, delivered or sold, date of sale or shipment, and the quantity of such merchandise. The wholesaler shall retain a freight, express or postal receipt for such merchandise showing the same was delivered to a common carrier engaged in interstate commerce or to the U.S. Postal Service. If said merchandise is delivered to another state by a wholesaler using its own transportation, said wholesaler shall retain a receipt signed by the purchaser from the other state. Evidence of payment by a party purchasing export liquor shall be on file with the wholesaler to verify export sales and may be in the form of check copies or check stubs. (8) The following are allowable as stock depletions if properly documented when the wholesaler computes monthly liquor tax liability: (a) Sales to military installations, sales for export, and sales to the ABC Board. (b) Breakage or unsaleable merchandise verified as destroyed by ABC Board representative. (c) Merchandise lost through break-ins and/or robberies when supported by police investigation reports. (d) Merchandise short shipped by suppliers and merchandise returned to suppliers only if supported by a credit memorandum from the supplier. The credit memorandum must list quantities, sizes, and volume. (e) Other appropriate circumstances when approved in writing by the ABC Board. If any stock depletions taken cannot be verified by the ABC Board, the deductions will not be allowed and the tax on such liquor will be due and payable. (9) In additions to the above, each wholesaler shall maintain the following minimum information: (a) Liquor stock reports which categorize merchandise on hand at the beginning of the month, merchandise received during the month, merchandise disposed of during the month, and merchandise on hand at the end of the month. All information contained on such reports shall be supported by adequate documentation. Reports shall be completed on a monthly basis. The following schedules shall be prepared monthly as preliminary documentation for the stock totals.</p>	
20-X-9-.01 (continued)	Liquor Wholesale Record Requirements (cont.)	<p>(b) Schedule of sales of liquor to the ABC Board during the month. (c) Schedule of sales of liquor to military installations during the month. (d) Schedule of sale of liquor for export during the month. (e) Schedule of promotional/advertising liquor furnished or delivered during the month. (10) Each wholesale liquor licensee shall maintain with the ABC Board current listings of all items distributed by brand, label, and size container. (11) All records as to the receipt of liquor, inventories on hand, and sales of said liquor shall be available from the wholesaler to the ABC Board upon request. Said records shall include but not be limited to: purchase invoices, shipping documents, sales invoices, bank deposits, and cancelled checks. Records shall be maintained by the wholesaler for the period of time specified by Section 28-3-7, Code of Ala. 1975. (12) The wholesaler shall be responsible for the payment of taxes due the State of Alabama for any monthly inventory shortage. The shortage shall not be netted with any inventory overage.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9.02	Beer Wholesale Record Requirements	<p>(1) All beer wholesalers shall maintain records at their place of business, reflecting the following: (a) All beer received by supplier, brand name, number of cases, number of containers per case, ounces per container, manufacturer's invoice number and date received. All beer received in the wholesaler's warehouse shall be acknowledged by signature of a representative of the wholesaler on the receiving documents. The date received shall also be indicated on the documents. All beer received shall be recorded and reported to the ABC Board as a receipt in the month the beer was received. Taxes shall be paid when due on levy of all receipts with deduction for all allowable credits. (b) All beer sold, furnished, or delivered shall have a wholesaler's invoice available which shall bear information as to the recipient's name, complete address, brand name, number of cases, number of containers per case, ounces per container, date of delivery or pick-up, invoice number, the county and municipality where the sale or delivery occurred, and where required, the retail licensee's name, complete ABC license number, amount of sale, and name of any employee purchasing beer. In all instances, the recipient of the beer must sign and date the invoice. Stamps may be used but cannot replace signatures. 1. Sales invoices shall be prepared for sales made to retail licensees and must contain the information listed in (1)(b). 2. Sales invoices shall be prepared for all sales to employees of the wholesaler and must contain the information listed in (1)(b). 3. Invoices shall be prepared for all beer furnished at no charge as samples, gifts, and gratuities allowed under 20-X-8-.07(1)(a), and for promotional/advertising beer furnished civic, charitable, fraternal, or similar organizations as allowed. These invoices must contain the information listed in (1), (b) and the purpose of the promotion. An employee, officer or owner of a wholesale business may, on the premises of the officer or owner of a wholesale business may, on the premises of the wholesaler, be offered a tasting of beer to determine items for potential purchase by the wholesaler or to develop new marketing strategies of existing product offerings. The wholesaler shall be responsible for the payment of all state and local taxes and any other taxes due the State of Alabama for beer furnished in this manner.</p>	28-3-7, 28-3-8, 28-3-9, 28-3-10, 28-3-11, 28-3-12, 28-3-45

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.02 (continued)	Beer Wholesale Record Requirements (cont.)	<p>(2) Wholesalers claiming credit for beer sold to military installations shall provide evidence of the sales by presentation of appropriate proof of payments to include check copies, check stubs, or a method of electronic transfer of funds that has been approved by the ABC Board with any supporting documentation forwarded by the military installation. Beer sales to military installations shall be allowed as monthly credits or deductions from beer taxes due. Wholesalers must provide evidence of receipt of payment for the beer sales with federal funds upon audit or disallowance of the credits will result and the original taxes will be assessed. (3) Each beer wholesaler shall file a monthly tax return with the ABC Board which shall be postmarked on or before the last day of the month following the month of receipt of the beer by the wholesaler. All taxes due shall be remitted with the tax return. The tax return, schedule of receipts from the brewery or importer, and all other schedules or supporting documents as required shall be filed promptly and on forms furnished or approved by the ABC Board. (4) Any transfer from one ABC Board beer wholesaler to another shall be accounted for by use of a transfer certificate furnished or approved by the ABC Board. The wholesaler first receiving the beer from the brewery or importer shall be liable for the payment of any Alabama beer tax. A copy of this certificate shall be mailed to the ABC Board by both wholesalers involved, along with their monthly tax returns. Transfers may be made intrastate only between licensed ABC Board beer wholesalers. (5) Merchandise damaged, broken or otherwise unsaleable will be allowed as a deduction from the monthly beer taxes due when computing net tax liability. This deduction will be allowed only when the destruction or evidence of breakage of said merchandise is witnessed by an ABC Board representative, in accordance with applicable state and federal regulations. An affidavit shall be prepared establishing the date destroyed, when and how destroyed, the number of units by size container, and the signatures of the wholesaler's representative and ABC Board representative witnessing said destruction. A copy of this affidavit shall be retained by the wholesaler. The ABC Board representative witnessing the destruction shall send the original affidavit to the Tax and Trade Practices Division of the ABC Board. All destructions shall be made in a manner to comply with EPA rules regarding the disposal of alcoholic beverages.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.02 (continued)	Beer Wholesale Record Requirements (cont.)	<p>Responsibility for compliance with the EPA rules rests with the wholesaler. (6) Exported items shall be subject to the initial levy of beer taxes but not to the ultimate tax liability by the ABC Board. Wholesalers may claim credit against monthly beer tax liability whenever merchandise is exported if the export is made and documented in the following manner. In cases of export, the wholesaler shall retain a duplicate invoice giving the name of the person, firm, corporation or association of persons to whom shipped, delivered or sold; date of sale or shipment and the quantity of such merchandise. The wholesaler shall retain a freight, express or postal receipt for such merchandise indicating the same was delivered to a common carrier engaged in interstate commerce or to the U.S. Postal Service. If said merchandise is delivered to another state by a wholesaler using its own transportation, said wholesaler shall retain a receipt signed by the purchaser from the other state. Evidence of payment by a party purchasing export beer shall be on file with the wholesaler to verify export sales. (7) The following are allowable as deductions if properly documented when the wholesaler computes monthly beer tax liability: (a) Sales to military installations or sales for export when properly documented. (b) Breakage or unsaleable merchandise verified by ABC Board representatives. (c) Merchandise lost through break-ins and/or robberies when supported by police investigation reports, as well as any other documents or information as required by the Board. (d) Merchandise short shipped by the brewery or importer and merchandise returned to the brewery or importer only when supported by a credit memorandum therefrom. The credit memorandum must reference the quantities and package sizes of beer involved in the shipping errors or return allowance for the computation of tax credits and must not list solely the dollar credits to the wholesaler. (e) Other appropriate circumstances when approved in writing by the ABC Board.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.02 (continued)	Beer Wholesale Record Requirements (cont.)	<p>(8) In addition to the above, each wholesaler shall maintain the following minimum information: (a) Inventory reports containing merchandise on hand at the beginning of the month, merchandise received during the month, merchandise disposed of during the month and merchandise on hand at the end of the month with the brands, case sizes, and quantities included. All information contained in the inventory reports shall be supported through adequate documentation. Reports shall be completed on a monthly basis. (b) Schedule of sales of beer to military installations during the month. (c) Schedule of promotional/advertising beer delivered during the month. (d) Schedule of retail sales of beer made during the month. (e) Schedule of export sales of beer made during the month. (f) Schedule of sales of beer to employees during the month. The information required by 8(a)-(f) herein shall be retained by the wholesaler and documented in a manner approved by the ABC Board. (9) Each wholesale beer licensee shall maintain with the ABC Board current listings of all items distributed by brand, label and size container. (10) Wholesalers shall provide a suitable place for conducting examinations of records at their principal place of business during customary business hours. (11) ABC Board personnel will observe and validate counts of wholesalers when taking periodic inventories of beer on hand used for audits and wholesalers will supply other necessary information as required. Inventories taken by the wholesaler and observed by ABC Board personnel shall be verified, signed, and dated when the inventory is completed by all parties. The wholesaler shall ensure the correctness of any inventory. Inventory counts and information shall not be changed or substituted after ABC Board personnel depart the wholesaler's premises. (12) All records as to receipt of beer, inventories on hand and sales of beer shall be available from the wholesaler to the ABC Board upon request. Said records shall include but not be limited to: purchase invoices, bills of lading, transfers, sales invoices, bank deposits, canceled checks, and bank statements. Records shall be maintained by the wholesaler for the period of time specified by Section 28-3-7, Code of Ala. 1975.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.03	Table Wine Wholesale Requirements	<p>(1) All table wine wholesalers shall maintain records at their business, reflecting the following: (a) All table wine received by supplier, brand name, number of cases, number of containers per case, liters per container, gallonage, manufacturer's invoice number and date received. All table wine received in the wholesaler's warehouse shall be acknowledged by signature of a representative of the wholesaler on the receiving documents. The date received shall also be indicated on the documents. All table wine received shall be recorded and reported to the ABC Board as a receipt in the month the table wine was received. Taxes shall be paid when due on levy of all receipts with deduction for all allowable credits.</p> <p>(b) All table wine sold, furnished, or delivered shall have a wholesaler's invoice available which shall bear information as to the recipient's name, complete address, brand name, number of cases, number of containers per case, volume per container, total liters per invoice, date of delivery, invoice number, the county and municipality where the sale or delivery occurred, and if required, the retail licensee's name, complete ABC license number, amount of sale, and name of any employee purchasing table wine. In all instances, the recipient of the table wine must sign and date the invoice. Stamps may be used but cannot replace signatures. 1. Sales invoices shall be prepared for sales made to retail licensees and must contain the information listed in (1)(b). 2. Sales invoices shall be prepared for all sales to employees of the wholesaler and must contain the information listed in (1)(b). 3. Invoices shall be prepared for all table wine furnished at no charge as samples, gifts, and gratuities allowed (1)(a), and for promotional/advertising table wine furnished civic, charitable, fraternal, or similar organizations as allowed. These invoices must contain the information listed in (1)(b) and the purpose of the promotion. An employee, officer or owner of a wholesale business may, on the premises of the wholesaler, be offered a tasting of wine to determine items for potential purchase by the wholesaler or to develop new marketing strategies of existing product offerings. The wholesaler shall be responsible for the payment of all state and local taxes and any other taxes due the State of Alabama for table wine furnished in this manner.(c) Sales invoices shall be prepared for sales made to military installations and must contain the information listed in (1)(a). In addition, all credits claimed for sales to military installations shall be evidenced by appropriate proof of payments to include check copies, check stubs, or a method of electronic transfer of funds that has been approved by the ABC Board with any supporting documentation provided by the military installation. The wholesaler must provide evidence of payment of the table wine sales with federal funds upon audit or disallowance of the credits will be made and the original taxes assessed.</p>	28-3-7, 28-3-8, 28-3-9, 28-3-10, 28-3-11, 28-3-12, 28-3-45

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.03 (continued)	Table Wine Wholesale Requirements (cont.)	<p>(2) Any transfer of table wine from one Alabama wholesaler to another shall be reported by use of a transfer certificate furnished or approved by the ABC Board. The wholesaler first receiving the table wine from a manufacturer or importer shall be liable for any Alabama table wine tax. A copy of this certificate shall be mailed to the ABC Board by both wholesalers involved, along with their monthly tax returns. Transfers may be made intrastate only between licensed ABC Board table wine wholesalers.</p> <p>(3) The tax value of damaged, broken or otherwise unsaleable merchandise will be allowed as a deduction from the monthly table wine taxes due when computing any tax liability, but only when the destruction or evidence of breakage of said merchandise is witnessed by an ABC Board representative. An affidavit shall be prepared establishing the date destroyed, when and how destroyed, the number of units by size container, and the signatures of the wholesaler's representative and ABC Board representative witnessing said destruction. A copy of this affidavit shall be retained by the wholesaler. The ABC Board representative witnessing the destruction shall send the original affidavit to the Tax and Trade Practices Division of the ABC Board. All destructions shall be made in a manner to comply with EPA rules regarding the disposal of alcoholic beverages. Responsibility for compliance with the EPA rules rests with the wholesaler.</p> <p>(4) Exported table wine shall be subject to the levy of table wine taxes but not to the ultimate tax liability by the ABC Board. The wholesaler may claim credit against monthly table wine tax liability for merchandise exported if the export is made and documented in the following manner. The wholesaler shall retain a duplicate invoice giving the name of the person, firm, corporation or association of persons to whom shipped, delivered or sold, date of sale or shipment and the quantity of such merchandise. The wholesaler shall retain a freight, express or postal receipt for such merchandise showing the same was delivered to a common carrier engaged in interstate commerce or to the U.S. Postal Service.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.03 (continued)	Table Wine Wholesale Requirements (cont.)	<p>If said merchandise is delivered to another state by a wholesaler using its own transportation, said wholesaler shall retain a receipt signed by the purchaser from the other state. Evidence of payment by a party purchasing export table wine shall be on file with the wholesaler to verify export sales and may be in the form of check copies or check stubs. (5) The following are allowable as deductions if properly documented when the wholesaler computes monthly table wine tax liability: (a) Sales to military installations, sales for export and sales to the ABC Board. (b) Breakage or unsaleable merchandise verified as destroyed by ABC Board representatives. (c) Merchandise lost through break-ins and/or robberies when supported by police investigation reports. (d) Merchandise short shipped by suppliers and merchandise returned to suppliers only if supported by a credit memorandum from the supplier. The credit memorandum must list quantities, sizes, and volume to allow for the computation of tax credits. (e) Other appropriate circumstances when approved in writing by the ABC Board. If any deductions taken cannot be verified by the ABC Board, the deductions will not be allowed and the tax on such table wine will be due and payable. (6) In addition to the above, each wholesaler shall maintain the following minimum information: (a) Table wine stock reports which categorize merchandise on hand at the beginning of the month, merchandise received during the month, merchandise disposed of during the month and merchandise on hand at the end of the month. All information contained on such reports shall be supported by adequate documentation. Reports shall be completed on a monthly basis. The following schedules shall be prepared on a monthly basis as preliminary documentation for the stock totals. (b) Schedule of sales of table wine to retailers during the month. (c) Schedule of sales of table wine to military installations during the month. (d) Schedule of sales of table wine for export during the month. (e) Schedule of sales of wine to the ABC Board during the month. (f) Schedule of promotional/advertising table wine furnished or delivered during the month. (g) Schedule of sales of table wine to employees during the month. The information set out in 6(a)-(g) shall be kept in such form and contain such information as approved by the ABC Board.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.03 (continued)	Table Wine Wholesale Requirements (cont.)	<p>(7) Each wholesale table wine licensee shall maintain with the ABC Board current listings of all items distributed by brand, label and size container. (8) Wholesalers shall provide a suitable place for conducting examinations of records at their principal place of business during customary business hours. (9) ABC Board personnel will observe and validate counts of wholesalers when taking periodic inventories of wine on hand used for audits and wholesalers will supply other necessary information as required. Inventories taken by the wholesaler and observed by ABC Board personnel shall be verified, signed, and dated when the inventory is completed by all parties. The wholesaler shall ensure the correctness of any inventory. Inventory counts and information shall not be changed or substituted after ABC Board personnel depart the wholesaler's premises. (10) All records as to receipt of wine, inventories on hand and sales of said wine shall be available from the wholesaler to the ABC Board upon request. Said records shall include but not be limited to: purchase invoices, bills of lading, transfers, sales invoices, bank deposits and canceled checks. Records shall be maintained by the wholesaler for the period of time specified by Section 28-3-7, Code of Ala. 1975.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.04	Record Keeping Requirements for In-State Manufacturers of Beer, Wine and Spirits, and Brew Pubs	<p>(1) Manufacturer licensees engaged in the manufacture of less than 60,000 barrels of beer per year; and brewpub licensees engaged in the manufacture of less than 10,000 barrels of beer per year; and wineries engaged in the manufacture of less than 50,000 gallons of table wine per year; and any licensed winery association operating an off-site tasting room; and wineries engaged in the manufacture of table wine in a dry county; and manufacturer licensees engaged in the manufacture of spirits shall: (a) Maintain the beer and the wine label approval documentation from the Board’s Licensing and Compliance Division and for spirits the listing code with documentation from the Board’s Product Management Division. (b) Beer and spirits manufacturers shall file with the ABC Board prior to the twentieth day of each month and wine manufacturers prior to the fifteenth day of each month, a full and accurate report of the previous month’s sales containing the following: 1. Daily retail sales of all beer, malt-based beverages, table wine, or liquor sold for consumption that includes the number of bottles, the number of cases, the number of containers per case, and the size of the container. 2. The date of the sale, an invoice or transaction number and a notation indicating an on – premise or an off- premise sale. (2) Beer manufacturer licensees shall report and pay appropriate tax due to the ABC Board prior to the twentieth day of each month following the month of production and or sale of product: (a) The amount of beer produced on site and the amount of beer produced by a parent, subsidiary, affiliate or contract brewery. (b) The amount of beer donated and delivered to a licensed non-profit special event, the date of the event, the venue, the name of the non-profit receiving the donation, and the ABC license number assigned to the event. (3) Brewpub licensees shall report and pay appropriate tax due to the ABC Board prior to the twentieth day of each month following the month of production and or sale of product: (a) The amount of beer brewed on site. (b) The amount of beer donated and delivered to a licensed non-profit special event, the date of the event, the venue, the name of the non-profit receiving the donated beer, and the ABC license number assigned to the event.</p>	28-3-7 through 28-3-11; 28-3A-6; 28-3-184; 28-4A-4; 28-7-18; 28-3-200 through 28-3-205;

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9.04 (cont.)	Record Keeping Requirements for In-State Manufacturers of Beer, Wine and Spirits, and Brew Pubs (cont.)	(4) Wine manufacturer licensees shall report and pay appropriate tax due to the ABC Board prior to the fifteenth day of each month following the month of production and or sale of product: (a) The amount of wine produced on site and the amount of wine produced by a parent, subsidiary, affiliate, or contract winery. (b) The amount of wine donated and delivered to a licensed non-profit special event, the date of the event, the venue, the name of the non-profit receiving the donated wine, and the ABC license number assigned to the event. (5) Wine manufacturer licensees located in a dry county shall report to the ABC Board prior to the fifteenth day of each month following the month of production and/or sale of product on forms either provided by, or approved for, the Board. (a) The amount of wine produced on site. (b) The amount of wine sold to a licensed wholesaler or distributor. (c) Wine manufacturers located in a dry county shall not sell or deliver wine to any retailer or for consumption on or off the premises. (6) Spirits manufacturer licensees shall report the amount of spirits produced on site and pay appropriate tax due to the ABC Board, prior to the twentieth day of each month following the month of production and or sale of product.	
20-X-9-.05	Record Keeping Requirements For Delivery Service Licensee	(1) Delivery service licensees shall file an annual report of all deliveries made on forms either provided by, or approved for use by, the ABC Board. This report shall be a full and accurate report due on or before April 1st of the following year. (2) All delivery service licensees shall maintain daily reports of all beer, wine, and spirits delivered to residents in the state. The report shall include, but not be limited to, the following information: (a) The name and physical address of the licensed premises from which the alcoholic beverages originated. (b) The name and address of the recipient (being at least 21 years of age) of the alcoholic beverages. (c) The date and time of the order. (d) The date and time of the delivery. (e) The total amount of beer, wine, and/or spirits delivered. (3) All delivery service licensees shall maintain records on servants, agents, employees, independent contractors, or other individuals delivering alcoholic beverages on their behalf. This information shall include, but not be limited to, the following information: (a) A copy of a valid driver's license. (b) Affirmation that the proper criminal background check was completed and conditions met as required by law. (c) A current, valid certificate of completion showing that employee training program conditions have been met as required by law. (4) In the event an alcohol delivery cannot be completed, the delivery service licensee must maintain documentation for a minimum of three years that includes the reason delivery was not completed and the date the alcoholic beverage(s) was returned to the retailer. (5) Delivery service licensees shall maintain the aforementioned records at their principal place of business. Said records are subject to inspection and shall be provided to ABC personnel immediately upon request.	28-3A-13.1

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.06	Record Keeping Requirements For Direct Wine Shipper Licensees	<p>(1) Direct wine shipper licensees authorized to engage in the shipment of wine in the state shall: (a) Maintain daily records of wine shipments made to Alabama residents. (b) File full and accurate quarterly reports to the ABC Board on forms provided by the ABC Board. Reports are due on or before the first day of the month following the month after the end of the previous quarter of all wine shipments during the quarterly reporting period. The report shall include, but not be limited to, the following information with regard to each shipment: 1. The name and address of the Alabama resident who placed the order. 2. Evidence of a signature by an individual 21 years of age or older for each completed shipment. 3. The name and address of the common or permit carrier engaged in the shipment. 4. The name and license number of the wine fulfillment center licensee engaged in the shipment, if applicable. 5. The date of shipment. 6. A unique tracking number provided by the common or permit carrier. 7. The quantity of wine in the shipment. (2) Direct wine shipper licensees shall remit the amount of state excise taxes due to the ABC Board with the quarterly report. (3) Direct wine shipper licensees shall remit excise taxes for Class I and Class II wines shipped to residents in the state in the following manner: (a) The assessment on shipments of Class I wine shall be \$0.38 per liter. (b) The assessment on shipments of Class II wine shall be \$2.42 per liter. (4) Direct shipper licensees shall maintain all records and documentation related to shipment of wine at their principal place of business. Said records are subject to inspection and shall be provided to ABC personnel immediately upon request.</p>	28-3A-6.1
20-X-9-.07	Record Keeping Requirements for Wine Fulfillment Center Licensees	<p>(1) Wine fulfillment center licensees authorized to engage in the shipment of wine in the state shall file full and accurate quarterly reports to the ABC Board on forms provided by the ABC Board. Reports are due on or before the first day of the month following the month after the end of the previous quarter of all wine shipments during the quarterly reporting period. The report shall include, but not be limited to, the following information with regard to each shipment: (a) The name, address, and license number of the direct wine shipper licensee to the point of origin of shipment from which the wine fulfillment center licensee received the wine, if different from the address of the direct wine shipper licensee. (b) The name and address of the Alabama resident who placed the order. (c) For each completed shipment, evidence of signature by an individual of age 21 or older. (d) The name and license number of the common or permit carrier engaged in the shipment. (e) The date of the shipment. (f) The carrier tracking number. (g) The quantity of wine in the shipment. (2) Wine fulfillment center licensees shall apply for a license for each physical premises that is to be used as a wine fulfillment center prior to shipping wine to any Alabama resident from that premises. Wine fulfillment center licensees shall maintain all records and documentation related to shipment of wine at each respective licensee's principal place of business. Said records are subject to inspection and shall be provided to ABC personnel immediately upon request.</p>	28-3A-6.2

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-9-.08	Record Keeping and Reporting Requirements for Common or Permit Carriers	(1) Common or permit carriers authorized to do business in the state shall file full and accurate quarterly reports to the ABC Board on a form provided by the Board. Reports are due on or before the first day of the on the following the month after the end of the previous quarter of all wine shipments during the quarterly reporting period. Reports shall include, but not be limited to, the following with regard to each shipment: (a) The name and business address of the direct wine shipper licensee or wine fulfillment center licensee with whom the shipment order originated. (b) The weight of the shipment (c) The name and address of the consumer to whom the wine was shipped (d) A unique racking number (e) Date of delivery	28-1-4
20-X-9-.09	Record Keeping Requirements for Wine Festival Licensees and Wine Festival Participants	(1) Applicants of a Wine Festival License shall remit to the ABC Board, on forms provided by the Board, a list of wine festival participants. Report is due on or before the fifteenth day of the month following the date(s) of the event. The report shall include, but not be limited to, the following information with regard to the wine festival participants: (a) The wine festival participant's name. (b) The wine festival participant's issued ABC license number for the event. (c) The date(s) of the event. (2) Wine Festival Participant Licensees shall maintain all documentation pertaining to the sale of wine at the event. Wine Festival Participant Licensees shall collect and remit all excise taxes due on the sale of wine to customers at the wine festival in compliance with 20-X-9-.04.	28-3A-20.4
20-X-10-.01	Disposition of Alcoholic Beverages Under Execution of a Valid Judgement	(1) Alcoholic beverages legally purchased and lawfully possessed by an ABC Board licensee which are levied upon as an execution of a valid judgment against such licensee shall be sold under the provisions herein. (2) An inventory shall be compiled of all alcoholic beverages on the licensee's premises. Any law enforcement official executing such levy shall contact the ABC Board, furnishing them a copy thereof. (3) The ABC Board may purchase merchandisable distilled spirits and wines at 80% of the wholesale list price or approve the sale to another ABC Board licensee. Any other manner of disposition shall be prohibited. (4) Sales of beer and table wine may be made to another licensed alcoholic beverage retailer or wholesaler when approved by the ABC Board.	28-4-273

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-10-.02	Disposition of Alcoholic Beverages Under Confiscation	<p>(1) Any alcoholic beverages with unbroken seals, which are condemned by an order of a court, or without an order of a court, within 10 days after a conviction, shall be delivered to an ABC Board agent by the beverage custodian. The ABC Board shall purchase all liquor and fortified wine which it deems to be in merchandisable condition and payment shall be made to the Clerk of the Court in the county in which said order or forfeiture was entered. Confiscated alcoholic beverages which are deemed not to be in merchandisable condition shall be destroyed. (2) The following amounts are deemed reasonable for such purchase by the ABC Board for each quantity mentioned regardless of brand: Liquor: \$.10 per miniature/50 ML \$.40 per half pint/200 ML \$.75 per pint/500 ML \$1.25 per quart or 4/5 quart/liter or 750 ML \$2.50 per 1/2 gallon/1.75 liters Fortified Wine: \$.25 per pint/375 ML \$.50 per quart/liter \$1.00 per half gallon/1.5 liters (3) All confiscated liquor and fortified wine in merchandisable condition which are of the brand and type sold in state liquor stores shall be sold by the ABC Board at list price. Confiscated liquor and fortified wine which are not listed by the state liquor stores, shall be sold through state liquor stores designated by the ABC Board at the following prices regardless of the brand: Liquor: \$.20 per miniature/50 ML \$.80 per half pint/200 ML \$1.50 per pint/500 ML \$2.50 per quart or 4/5 quart/liter or 750 ML \$5.00 per half gallon/1.75 liters Fortified Wine: \$.50 per pint/375 ML \$1.00 per quart/liter \$2.00 per half gallon/1.75 liters (4) All confiscated beer and table wine in merchandisable condition shall be sold by the ABC Board to a licensed wholesaler selling the brand so confiscated at 20% below their current wholesale cost. Any wholesaler purchasing said merchandise shall be responsible for paying all applicable state and local taxes. No wholesaler shall be obligated to purchase such beer or table wine, and if the ABC Board is unable to find a licensed wholesaler willing to purchase, then in such event, the beer and table wine shall be destroyed by the ABC Board. All sums received from the sale of beer and table wine shall be paid to the Clerk of the Court.</p>	28-4-273

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-10-.03	Confiscation of Vehicles	(1) Should any alcoholic beverages not being transported or possessed in accordance with the provisions of these rules and regulations and/or state law be found in any vehicle, which said vehicle either: (a) Bears an Alabama license plate; or (b) Is the property of or being operated by an Alabama resident; or (c) Is moving alcoholic beverages within or into Alabama other than through ABC Board approved interstate commerce or as otherwise approved by the ABC Board. Then in any of these events, it is prima facie evidence that such alcoholic beverages are within such vehicle and are being transported within Alabama for purposes of sale, or being possessed, transported, used, and/or introduced into Alabama for the purpose and intention of violating Alabama statutes, including avoidance of payment of duly levied taxes thereon. (2) The ABC Board, prior to the return of any vehicle to a violator, claimant or lien holder, shall be bound by the following terms and conditions (a) The ABC Board shall not release a vehicle to a violator unless it finds as a matter of fact, no intention on the part of the violator to disobey appropriate Alabama laws. A previous conviction for violation of prohibition laws shall constitute prima facie evidence that said actions of the violator were intentional. (b) There must be a finding by the ABC Board that any other claimant or lien holder of such vehicle has not violated any prohibition laws and could not with reasonable diligence have ascertained that such vehicle would likely be used to violate said prohibition laws.	28-4-285
20-X-10-.03 (cont.)	Confiscation of Vehicles (cont.)	(c) Any previous conviction by the violator of prohibition laws or an established reputation by the violator for illegal dealings in alcoholic beverages shall constitute prima facie evidence that such claimant or lien holder did not use reasonable diligence in ascertaining or discovering that such vehicle would likely be used to violate said prohibition laws. (d) In cases where the ABC Board shall release such vehicle back to either the violator, other claimant or lien holder, there shall be paid to the ABC Board an amount determined by the ABC Board for reimbursement of reasonable costs and expenses associated with the seizure, transportation, advertising, storage, and investigation of said vehicle. In no event shall this amount be less than \$200.00. (e) Prior to the return of any vehicle under this section to a claimant or lien holder, the ABC Board shall receive written assurance therefrom that said vehicle shall not be returned to the violator for use, possession or ownership without the expressed written permission of the ABC Board. (3) Any vehicle legally obtained by the ABC Board under provisions of this section may be used for lawful state purposes as determined by the ABC Board.	
20-X-11-.01	Repealed		
20-X-11.02	Repealed		

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-12-.01	Statement of Scope, Purpose, and Intent in the Administration of the Responsible Vendor Program	The ABC Board is responsible for the administration of the Responsible Vendor Program in the State of Alabama. The purpose of these rules and regulations is to establish minimum substantive and procedural requirements for the responsible vendor certification by the ABC Board as authorized by the Alabama Responsible Vendor Act. The scope of the Responsible Vendor Program and related rules is limited and only provides licensed alcoholic beverage vendors, who are certified by the ABC Board, with limited protection of the alcoholic beverage license against revocation or suspension. Mitigation may be considered in administrative proceedings in conjunction with violations of the ABC Board regulations and State laws.	28-10-1 et. seq.
20-X-12-.02	Responsible Vendor Program (Definitions)	The following words or phrases, whenever they appear in these regulations, unless the context clearly indicates otherwise, shall have the meaning ascribed to them as follows: (1) Act Alabama Responsible Vendor Act, 1990 (Act No. 90525 now codified as Chapter 10, Title 28, Code of Ala. 1975. (2) Certification Written approval from the ABC Board stating a vendor has met all requirements of law and/or regulations and is designated as a certified responsible vendor. (3) Compliance specialists Persons working under this program for the purpose of verifying both the compliance of the applicant and ongoing compliance of the certified vendor. (4) Course of instruction An ABC Board approved course of study for servers, sellers and managers, including an oral or written examination. (5) Decertification Revocation of a responsible vendor's certification. (6) Manager (on/off premises) Any person on the licensed premises responsible for supervising servers and/or sellers. There may be more than one manager on a licensed premises simultaneously and who may also be a server and/or seller. (7) Mitigation Decertification Committee A committee composed of the: (1) Director of Enforcement; (2) ABC Board Administrator; and (3) Responsible Vendor Program Coordinator. Any member of the committee may designate a replacement or a proxy for any meeting. (8) Seller (off premises) Any person on the licensed premises who sells, gives or furnishes alcoholic beverages to the public and/or is responsible for ascertaining the legality thereof. (9) Server (on premises) Any person on the licensed premises who sells, gives or furnishes alcoholic beverages to the public and/or is responsible for ascertaining the legality thereof. (10) Trainer Any person responsible for providing an approved course of instruction. (11) Vendor Any person licensed to serve or sell alcoholic beverages at retail.	28-10-1 et. seq.
20-X-12-.03	Program Documentation	All correspondence and documentation concerning this program shall be directed to the ABC Board's Responsible Vendor Program in Montgomery. Documentation which is incomplete, illegible or unable to be processed, may be returned. Surcharges from incomplete applications will be held awaiting corrections or refunded upon request. If corrections are not made nor a refund requested within ninety (90) days from the date of return by the ABC Board of the application, the surcharges will be converted to Program funds. Documentation shall not be deemed complete until received in hand by the Responsible Vendor Program.	28-10-1 et. seq.

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-12-.04	Certification Requirements	<p>(1) To be certified, a vendor shall: (a) Possess a current retail alcoholic beverage license or a transfer application for such license; (b) Submit a sworn Application for Certification as Responsible Vendor and any other required documentation; (c) Provide an approved course of instruction for servers, sellers, and managers. Licensees utilizing any course of instruction developed but not administered by personnel of a private course provider shall notify the ABC Board of training dates in sufficient time that compliance specialists may attend training prior to application, and at such other times as requested by the ABC Board (d) Pay the appropriate surcharge; (e) Comply with the provisions of the Act as follows: 1. Servers, sellers, and managers shall have completed the required course of instruction and shall have passed the applicable examination at the time the vendor applies for certification. Initial training shall have occurred within ninety (90) days prior to applying for certification. Servers, sellers or managers employed during application processing, or after the date of certification, shall complete the applicable course of instruction and pass the examination within 30 days after commencing employment. 2. Servers, sellers and managers shall acknowledge in writing the written policy established by each vendor assuring legal alcoholic beverage sales and outlining company policy and procedures for disciplining employees who violate beverage laws or use and/or possess controlled substances on the licensed premises. 3. Responsible vendors shall display signs on the licensed premises informing customers of the vendor's policy against serving or selling alcoholic beverages to underage persons and/or intoxicated customers. These signs must measure no less than 8 inches by 13 inches with type sufficiently large to be easily read, and be placed at customer entrance(s) of the licensed premises or at cash registers and on or near the area where alcoholic beverages are displayed or dispensed. All signs shall be situated in areas easily viewed by the public.</p>	28-10-1 et. seq.
20-X-12-.04 (cont.)	Certification Requirements (cont.)	<p>4. Responsible vendors are required to maintain records of the acknowledgments and training of their servers, sellers and managers. These records shall be maintained within the State of Alabama. Responsible vendors shall provide to the ABC Board the name of their employee or agent who is the custodian of the responsible vendor's records and the location of the records; however, the responsible vendor shall ultimately be responsible for the maintenance of such records. 5. Responsible vendors shall have a copy of program certification constantly and conspicuously displayed on the licensed premise at all times. (2) An entity owning more than one license shall file separate applications for each of its licenses, pay the appropriate surcharge and otherwise meet the requirements of the Act for each of its licensed premises. The vendor shall notify ABC Board the ABC Board in writing of any change in the application information.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-12-.05	Renewal of Certification	Certification of a responsible vendor shall be valid for the same term as that of the ABC Board license year. Certification shall be renewed contingent upon the approved renewal of the ABC Board's license. After October 20 th of any year, renewals will not be accepted and new applications must be submitted.	28-10-1 et. seq.
20-X-12-.06	Maintaining Certification	(1) To maintain certification, responsible vendors shall comply with the provisions of the Act, other applicable laws of the State of Alabama, and Rules and Regulations of the ABC Board. (2) Subsequent to certification: (a) Responsible vendors shall require new or transferred sellers, servers, and managers to complete the course of instruction and pass the appropriate examination within 30 days of commencing employment. Responsible vendors who allow new or transferred employees to sell, serve or manage before training should strive to do so under the direct supervision of a trained seller, server or manager. (b) Responsible vendors should strive to incorporate materials relating to controlled substances in their course of instruction. (c) Responsible vendors shall require each server, seller and manager to attend meetings semiannually, or more frequently as deemed appropriate. A register with names and social security numbers of all employees who attend the meeting, the date of each meeting, the person conducting the meeting, and the subjects covered shall be maintained by the responsible vendor or agent thereof. (d) If there is loss of certification through lack of renewal, decertification, or other circumstance, the licensee shall be required to retrain all servers, sellers and managers prior to submitting application to again be certified. (3) A responsible vendor or agent thereof shall maintain and make available for inspection employment and/or Responsible Vendor Program records which are sufficiently detailed, accurate, and in such manner that the ABC Board may determine compliance with the Act. The Responsible Vendor Program records shall be maintained within the State of Alabama. In the event of a violation, it is the responsibility of the licensee to provide to the Responsible Vendor Program Division proof of date of hire and/or date of transfer. Acceptable proof of date of hire is a copy of an I9, Employment Eligibility Verification Form, or a copy of an NH1, Rev. 7/97, State of Alabama, Industrial Relations New Hire Form. Acceptable proof of date of transfer is a copy of official company time card, time sheets, or a change of work status form. In the absence of the above, a sworn and notarized statement by the company representative responsible for such transfers may be accepted.	28-10-1 et. seq.

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-12-.06 (continued)	Maintaining Certification (cont.)	Responsible vendors shall maintain a file for servers, sellers, and/or managers which shall include: (a) The employee's dates of employment. (b) The employee's social security number. (c) The employee's acknowledgment concerning the vendor's written policy assuring legal alcoholic beverage sales, and outlining company policy and procedures for disciplining employees who violate beverage laws or use and/or possess controlled substances on the licensed premises. (d) The employee's course of instruction records with examination results and date of completion. (e) The name of the entity and individual providing the course of instruction and examination to the responsible vendor's employees. (f) Documentation of participation in semiannual meetings. (g) Documentation of employee review of examination questions answered incorrectly. The documentation shall be initialed by the employee. (4) Training of new or transferred sellers, servers and managers shall occur within 30 days of commencing employment or transfer. Responsible Vendors shall submit to the ABC Board, immediately subsequent to training, a completed Report of Server, Seller, or Manager Training form. This documentation is considered official upon receipt inhand by the Responsible Vendor Program Division. This report shall include: (a) The alcoholic beverage license number and the trade name appearing on the license. (b) The full name, social security number and date of birth of each server, seller, and manager who successfully completes the appropriate course of instruction. (c) The date each employee completes the course of instruction and the date hired or placed in a server, seller or manager position. (d) The name of the individual providing the appropriate course of instruction to the employees. (5) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.	
20-X-12-.07	Minimum Training for On-Premises Employees	(1) Servers and managers shall complete an approved course of instruction/examination dealing with alcoholic beverage consumption on the premises. (2) The passing grade on an examination relating to the course of instruction shall be 80%. (3) Each responsible vendor shall ensure that no individual subverts or attempts to subvert the integrity of such training/examination.	28-10-1 et. seq.
20-X-12-.08	Minimum Training for Off-Premises Employees	(1) Sellers and managers shall complete an approved course of instruction/examination dealing with alcoholic beverages sold for offpremises consumption. (2) A passing grade on an examination relating to the course of instruction shall be 80%. (3) Each responsible vendor shall ensure that no individual subverts or attempts to subvert the integrity of such training/examination.	28-10-1 et. seq.

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-12-.09	Course of Instruction	<p>(1) Courses and examinations shall comply with and maintain minimum requirements as specified in the Act and the Course of Instruction and Examination Guidelines as established by the ABC Board. Courses shall be submitted for approval to the ABC Board in typewritten form before being used for training purposes. Copyright violations and/or plagiarism of another course are grounds for disapproval. The ABC Board reserves the right to withdraw approval of a course. Course content shall be reviewed at least annually by the ABC Board. (2) Notwithstanding any contractual agreements between licensees and private course providers, ultimate responsibility for compliance with program requirements, deadlines or dates shall remain that of the licensee. (3) The format of the course of instruction shall include face-to-face training and question and answer opportunities. (4) A course of instruction shall include but not be limited to: (a) Current statutory authority covering the sale or service of alcoholic beverages. (b) Identification of and dealings with persons prohibited from purchasing or consuming alcoholic beverages. (c) The effects of alcohol consumption. (d) The vendor's specific policies and procedures for ensuring compliance with all regulations and laws. (e) The potential liability of sales or service contrary to the provisions of law and suggested methods of risk reduction. (f) Methods of supervision of servers or sellers. (g) Documentation and onsite requirements of the Responsible Vendor Program. (5) Satisfactory completion of each course of instruction shall be demonstrated by achieving a passing grade of 80% or higher. Incorrect examination questions shall be reviewed and initialed by the employee with the correct answer(s) being provided and discussed. An examination may be repeated once in order to attain a satisfactory score of 80%, after which time retraining shall be necessary. (6) All examinations shall be in writing unless the responsible vendor, or their agent, determines an oral examination is necessary. Examinations given to disabled or illiterate persons may be oral. Oral examinations must be documented as to the reasons therefor and signed by both trainee and examiner.</p>	28-10-1 et. seq.
20-X-12-.09 (continued)	Course of Instruction (continued)	<p>(7) Licensees with multiple locations may train all of their employees at one time and place, provided all local ordinances, local restrictions, and other unique situations of each licensed location are included in the training. (a) A licensee may choose to document the training of employees for all locations with a single Report of Server, Seller, or Manager Training form. This form must be designated as a corporate training form and will be held in the Responsible Vendor Program Division in a corporate file. Licensees using this method of reporting shall initially provide memos on corporate letterhead for each certified license number that will direct the verification of training to the corporate file. (b) Licensees holding multiple licenses for any licensed premises and who train employees to work under each license may document training under the primary license number, provided memos on corporate letterhead are provided to the Responsible Vendor Program Division for each certified license number that will direct the verification of training to the primary license number.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-12-.10	Integrity of Examinations	(1) No individual shall subvert or attempt to subvert the examination process. (2) Any licensee or agent thereof who subverts or attempts to subvert the examination process shall subject the licensee's certification to denial or decertification. (3) Any examinee who subverts or attempts to subvert the examination process shall have his score declared invalid for one year from the date of such misconduct. The examinee may thereafter, upon retraining, retake the examination. (4) Conduct which subverts or attempts to subvert the examination process shall include, but not be limited to: (a) Removing from the examination room any of the examination materials. (b) Reproducing or reconstructing any portion of the examination. (c) Aiding, by any means, in the reproduction or reconstruction of any portion of the examination. (d) Distributing, receiving, or having unauthorized possession of examination materials. (e) Communicating with any other examinee during the administration of the examination. (f) Copying answers from another examinee or permitting one's answers to be copied by another examinee. (g) Having possession of any book, notes, written or printed materials of any kind except those materials distributed at the examination site by the vendor or his agent. (h) Impersonating an examinee or having an impersonator take the examination.	28-10-1 et. seq.
20-X-12-.11	Denial, Decertification and Non-Compliance	(1) A responsible vendor whose certification is denied or revoked may request, in writing, a hearing before the ABC Board. (2) Certification may be denied or revoked for any of the following reasons: (a) Violation of any provision of the Act. (b) Violation of any appropriate statutory authority or law resulting in administrative sanctions. (c) Attempting to obtain or obtaining certification by means of fraud, misrepresentation, or concealment of material facts. (3) Thereafter, a minimum of 90 days shall expire before any new certification application shall be considered. The ABC Board may establish guidelines for reinstatement. All employees shall be retrained in an ABC Board approved course. (4) Certified responsible vendors found to be out of compliance may be required to comply within a specified time, retrain, or to undertake other corrective actions at the discretion of the ABC Board. (5) Decertification of a licensee may be recommended by the Responsible Vendor Program staff to a Mitigation Decertification Committee. Final decisions of such committee may be appealed to the ABC Board.	28-10-1 et. seq.
20-X-12-.12	Payment of Surcharge	The licensee is required to pay a surcharge in the amount of \$35 at the time of application for certification and/or renewal. This surcharge is nonrefundable nor subject to being prorated. The surcharge shall be payable to the ABC Board by cash, cashier's check or money order. The surcharge will be collected by the central office of the ABC Board and shall be used for the administration of the responsible vendor program.	28-10-1 et. seq.
20-X-12-.13	Transfer of Certification	No certification issued under the provisions of the Act shall be transferred or otherwise conveyed to another person.	28-10-1 et. seq.

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-12-.14	Cancellation of Certification	(1) Certification shall be automatically voided upon the transfer, cancellation, nonrenewal, or revocation of the ABC Board license. Suspension of an ABC Board license may be grounds for cancellation of Program certification. (2) A responsible vendor may request cancellation of certification at any time by requesting the same in writing from the ABC Board. However, voluntary cancellation shall be denied when the ABC Board has notified the responsible vendor that decertification proceedings have been or will be brought against the licensee.	28-10-1 et. seq.
20-X-13-.01	Use of Minor Operatives	(1) The following procedures shall govern the use of minor operatives by the ABC Board for purposes of undercover operations: (a) The Director of Enforcement or his specific designee shall provide prior written authorization for every undercover operation utilizing minor operatives. It shall be the responsibility of the agent to furnish to the district supervisor a proposed operational plan for said approval. (b) In the absence of approval by a juvenile court, no minor shall be used in an undercover operation unless a parent or guardian of said minor has first provided written consent thereto. (c) Each minor utilized in undercover operations shall have been previously approved by the Director of Enforcement or his specific designee. Before such approval shall be given, the Director shall review any juvenile court approval secured or parental consent, proof of age and a reasonably current photograph of the minor. A separate file shall be maintained by the ABC Board for every minor operative. Said file shall contain proof of parental or court consent, proof of age, a current photograph, department approval and a summary of every minor operation performed by said individual. (d) The activities of a minor participating in an undercover operation shall be video taped, except where circumstances of the operation renders the same useless or prohibited, or unless the video taping thereof is deemed to place the minor in a situation of peril. In all cases the undercover activities of the minor shall be recorded by means of audio tape. In cases where the minor shall not remain visible to ABC Board agents during the entire undercover operation, said audio transmissions must be received and monitored by ABC Board agents during the operation. (e) All monies used by a minor in an undercover operation shall have first been marked or otherwise identified. Whenever possible or practicable, said monies shall be recovered for use as evidence. In such cases, the ABC Board Enforcement agent shall provide a receipt to the licensee personnel thereof for such money taken.	13A-3-22

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-20-.01	Glossary of Terms	<p>The following words or phrases, whenever they appear in Regulations 20X20 and above, unless the context clearly indicates otherwise, shall have the meaning ascribed to them as follows: (1) Board. The Alabama Alcoholic Beverage Control Board. (2) Distribution. To sell, barter, exchange, or give tobacco or tobacco products for promotional purposes or for gratis. (3) Minor. Any person under the age of 19 years. (4) Person. Any natural person, firm, partnership, association, company, corporation, or other entity. Person does not include a manufacturer or wholesaler of tobacco or tobacco products, nor does it include employees of the permit holder. (5) Proof Of Identification. Any one or more of the following documents used for purposes of determining the age of a person purchasing, attempting to purchase, or receiving tobacco or tobacco products: (a) A valid driver's license issued by any state and bearing the photograph of the presenting person. (b) United States Uniformed Service Identification. (c) A valid passport. (d) A valid identification card issued by any state agency for the purpose of identification and bearing the photograph and date of birth of the presenting individual. (e) For legal mail order purposes, only a valid signed certification that will verify the individual is 19 year of age or older. (6) Responsible Vendor Program. A program administered by the ABC Board to encourage and support vendors in training employees in legal and responsible sales practices. (7) Sampler. Any business or person who distributes tobacco or tobacco products for promotional purposes. (8) Tobacco Or Tobacco Products. Tobacco or any product containing tobacco, including, but not limited to, the following: (a) Cigarettes. (b) Cigars. (c) Chewing tobacco. (d) Snuff. (e) Pipe tobacco. (f) Smokeless tobacco. It is not intended that the definition herein shall create a legal phrase, as the definition shall apply equally to the term "tobacco" and to the term "tobacco products." (9) Tobacco Permit. A permit issued by the ABC Board to allow the permit holder to engage in the distribution of tobacco or tobacco products at the location identified in the permit.</p>	28-11-4

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-21.01	Offenses - Tobacco	<p>(1) Any offense of Chapter 11 of Title 28, Code of Ala. 1975, pertaining to tobacco or of any regulation of the ABC Board, by any permittee, officer, agent, servant or employee of such permittee, shall subject such permittee and/or employee thereof to any one of the following discretionary actions or penalties by the ABC Board or its Hearing Commission: (a) Upon conviction for a first offense by the permit holder or an employee of the permit holder, the ABC Board or Hearing Commission may offer the permit holder an opportunity to provide training sessions administered by the Responsible Vendor Program in lieu of an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than two hundred dollars (\$200.00). (b) Upon conviction of a second offense at the same location within a two year period, the ABC Board or Hearing Commission may levy an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than four hundred dollars (\$400.00). (c) Upon conviction of a third or subsequent offense at the same location within a two year period, the ABC Board or Hearing Commission may levy an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than seven hundred fifty dollars (\$750.00). (d) Upon conviction of a fourth or subsequent offense at the same location within a two year period, the ABC Board or Hearing Commission may levy an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than one thousand dollars (\$1,000.00), and may suspend or revoke the permit.</p>	28-11-4; 28-11-9
20-X-21.01 (cont.)	Offenses - Tobacco (cont.)	<p>(2) Each occurrence shall constitute a separate offense for which the appropriately mentioned penalties may be imposed. (3) The ABC Board may, from time to time, establish a fine schedule for offenses charged against a permittee or employee thereof. This fine schedule will be used when a permittee or employee thereof wishes to plead guilty to an offense. (4) When a permittee or employee thereof has been cited for an offense, he/they may elect to waive a hearing before the Hearing Commission and/or the ABC Board and enter a plea of guilty to such offense. If a fine is imposed upon said guilty plea, the permittee shall remit the full amount thereof to the ABC Board by cashier's or certified check or money order within seven (7) days after the entry of such guilty plea. Failure to so remit said fine within the seven day period shall subject the permittee to an automatic permit suspension, commencing immediately without any appeal thereof, until such fine is paid to the Administrator and the permittee has received from the Administrator a letter of reinstatement of the permit, together with the permit, itself. (5) After the imposition of a fine by the Hearing Commission and/or the ABC Board, a permittee shall not be authorized to relinquish or surrender the permit in lieu of payment of the fine. When a fine has been adjudged and all appeals exhausted, the said fine shall become a debt of the permittee or employee thereof in favor of the ABC Board.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-21.01 (cont.)	Offenses - Tobacco (cont.)	(6) When a fine is imposed upon a permittee or employee thereof by either the Hearing Commission and/or ABC Board and no appeal is taken therefrom within the appropriate time limitations, the fine so imposed shall be remitted in full by said permittee or employee thereof to the ABC Board by cashier's or certified check or money order within seven (7) days thence from the last day upon which said appeal could have been taken. Failure to so remit said fine within the seven day period shall subject the permittee to an automatic permit suspension, commencing immediately without any appeal thereof, until such fine is paid to the Administrator and the permittee has received from the Administrator a letter of reinstatement of the permit together with the permit, itself.	
20-X-22.01	Rules of Practice	(1) A party may appeal to the ABC Board an adverse initial decision, including the findings of fact and the conclusion of the Hearing Commission or an initial decision of the ABC Board itself, provided that a request therefor in writing is received within fifteen (15) days after the date of notification of such decision. At their option, a party may submit written exceptions to the decision within the same fifteen day period. (2) A party may be represented by legal counsel at any stage of administrative proceedings of the ABC Board at the party's own expense. (3) Communications regarding appeal hearings, existing permits or applications for permits should be addressed to the Secretary of the ABC Board, P. O. Box 1151, Montgomery, Alabama 36101. (4) Continuances for good cause shown may be granted as in actions at law at the ABC Board's discretion. Requests for continuances should be addressed to the Secretary of the ABC Board, P. O. Box 1151, Montgomery, Alabama 36101, and except in exigent circumstances, shall be received by the secretary no later than five (5) business days prior to the scheduled hearing date in order to be considered. (5) Any final administrative decision of the ABC Board, together with a written opinion thereof, will be reduced to writing and transmitted to each party or their representative. (6) Hearings before the ABC Board, in the absence of notice to the contrary, will be held at the ABC Board's Central Office in Montgomery, Alabama. (7) Reasonable notice of the time and place of an appeal hearing shall be given to each party who appeared at the initial hearing or their representative. Nonparties must request in writing to the Secretary of the ABC Board, their desire to be notified of such appeal hearings.	28-11-4, 28-11-9, 41-22-20

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-22.01 (cont.)	Rules of Practice (cont.)	<p>(8) Anyone who has an interest in a case, as distinguished from the public interest in contested permit application or permit renewal cases, upon timely application in writing to the ABC Board, shall be permitted to intervene as a party when a statute confers an unconditional right to intervene, or when the applicant has an individual interest in the outcome of the case as distinguished from a public interest and the existing representation of the applicant's interest is inadequate. (9) The record before the Hearing Commission, including its initial decision, the transcript of testimony, argument and exhibits, together with all papers and requested files in the proceeding before the Commission, shall constitute the exclusive record for the final decision of the Commission, if appealed to the ABC Board. (10) In computing any period of time prescribed or allowed by these rules and regulations, such period shall be computed according to Rule 6(a) of the Alabama Rules of Civil Procedure. (11) A party aggrieved by a final administrative decision of the ABC Board may file a notice of appeal or review in Circuit Court as specified in Section 412220, et seq., Code of Ala. 1975. (12) Facsimile or other similar electronic transmissions may be utilized for the purpose of exchange of information between parties, but shall not be accepted for purposes of official document filings with the ABC Board.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-22.02	Hearing Commission	<p>223 (1) The Hearing Commission shall be comprised of at least three people designated by the ABC Board, one of whom, unless otherwise designated, shall be the ABC Board Administrator. Hearings before the Hearing Commission shall be conducted before the Administrator and two other persons from a pool of designated Commissioners. The Administrator shall be the Chairperson thereof, but may at his/her discretion, appoint a representative from the designated pool of Commissioners to chair the Commission in his/her absence. (2) The Hearing Commission shall convene at least once a month, unless otherwise designated by the Administrator. (3) Contested permit applications and disciplinary charges against a permittee or employee thereof may be referred to the Hearing Commission for appropriate action. (4) The Hearing Commission shall, in each case referred to it, conduct a hearing, and thereafter, take one of the following discretionary actions: (a) Find no cause for action by the Commission or insufficient evidence to justify any action under the complaint and dismiss the complaint; (b) Adjudge the appropriate fine; (c) Suspend or revoke the permit; (d) Suspend or revoke the permit upon a subsequent offense; (e) Grant or deny the permit in application cases. (5) A permittee or applicant shall be notified in writing by the Hearing Commission of its decision within fifteen (15) days after the hearing. The notification shall include a statement that the permittee or applicant has the right to appeal on the record to the ABC Board. In the event the Hearing Commission, for good cause shown, is unable to render a decision within fifteen (15) days, then the notification shall be provided to the permittee or applicant within fifteen (15) days after a decision is rendered. (6) A permittee or applicant shall have fifteen (15) days from receipt of notification of the action of the Hearing Commission in which to appeal to the ABC Board. Such notice of appeal shall be in writing and shall be signed by the permittee, applicant, their duly authorized agent or attorney.</p>	28-11-4, 28-11-9, 41-22-20

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-22.02 (cont.)	Hearing Commission (cont.)	<p>The appeal is deemed filed and perfected upon hand delivery to the office of the ABC Administrator, within the allotted time, or by U. S. postmark within the allotted time. (a) If no appeal is taken, the decision of the Hearing Commission shall be deemed final on the 16 th day after the permittee or applicant received notification of the action of the Hearing Commission. (b) If the permittee or applicant makes a timely appeal of the Hearing Commission’s decision to the ABC Board, the Board's decision on the appeal becomes the final administrative decision on the date so rendered. Upon consideration of the appeal, the ABC Board shall: (1) affirm the decision of the Hearing Commission; or(2) modify or amend the decision of the Hearing Commission; or (3) reverse the decision of the Hearing Commission and substitute therefor its own decision with Findings of Fact. (7) An appealing permittee or applicant must pay to the ABC Board the reasonable costs of transcribing the record before the Hearing Commission, not to exceed \$10.00 per page. The Board may require the payment of an advanced deposit prior to such transcription. In no case shall the ABC Board consider an appeal from the Hearing Commission where the transcription cost has not been paid. If the appeal prevails, any money deposited for transcription, in accordance with this paragraph, shall be returned to the appealing permittee or applicant. (8) Any additional evidence not available before the Hearing Commission may be submitted to the ABC Board by affidavit or exhibit. The ABC Board may, at its discretion, consider the same on appeal. (9) In cases where there is no appeal from a final administrative decision of the Hearing Commission or the ABC Board, the ABC Board in its discretion, after a period of sixty (60) days, subsequent to the last day an appeal might be perfected, may destroy any and all documentary evidence introduced at the contested hearing, including the recorded testimony thereof.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-22-.03	Notification to Permittees of Hearings	<p>(1) All notices required by law to be given to ABC Board permittees, pursuant to and in connection with hearings before the ABC Board or the Hearing Commission on questions of disciplinary matters, revocations, suspensions, or renewal of and applications for ABC Board permits, or the results of any such hearings, may be effectively given by any one of the following methods: (a) By an agent of the ABC Board delivering a copy of such notice to the permittee or, to whomever is in charge of the licensed premises at the time of serving such notice; (b) By sending notice via U.S. Mail, return receipt requested, proper postage prepaid, addressed to such permittee at the address of the permitted establishment, or the mailing address furnished by such permittee on the permit application; (c) By an agent of the ABC Board delivering a copy of such notice to whomever is in charge of the permitted premises at the time of serving such notice. (d) In the event the permitted establishment is closed by order of a court or is not operating for some other reason, by an agent of the ABC Board posting a copy of such notice to the door of such establishment and the ABC Board sending a copy of such notice via U.S. Mail, proper postage prepaid, addressed to such permittee at the mailing address furnished to the ABC Board by such permittee. (2) All notices shall include: (a) A statement of the time, place and nature of the hearing; (b) A statement of the legal authority and jurisdiction under which the hearing is to be held; (c) A reference to particular statutes and rules involved; (d) A short and plain statement of the matters asserted. If the ABC Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application by the permittee, a more definite and detailed statement shall be furnished. (3) If a party fails to appear in a contested case after proper service of notice and given reasonable time to appear, the ABC Board or Hearing Commission may proceed with the hearing and render a decision in the absence of the party. (4) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved in hearings before the Hearing Commission and ABC Board and to be represented by counsel at the parties' own expense.</p>	28-11-4, 41-22-20

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-23.-01	Information Required From Applicants for Tobacco Permits	<p>(1) Every applicant for an ABC Board permit, in addition to information and statements required under Title 28, Code of Ala. 1975, shall also give the ABC Board, as part of such application, the following: (a) The name, date, place of birth, address, telephone number, race, gender, driver's license number, and social security number of every person who has any proprietary or profit interest in the permitted establishment, except in the case of public corporations, whose shares are traded on a recognized stock exchange. (b) The true, correct, and complete criminal court record of all arrests and subsequent dispositions for the past ten (10) years of such applicant and any other person having a proprietary or profit interest therein; and in the case of corporations, clubs and associations, of each officer and/or member of the board of directors of such corporation, club, or association. Minor vehicular offenses may be omitted; however, driving while under the influence and reckless driving cases shall be disclosed. In giving such information, there shall be included the name of the court(s) and the disposition of each matter. (c) In the case of applications by corporations, clubs, and associations, the person(s) making such application shall certify to the correctness, truthfulness and completeness of the application and shall provide the ABC Board with their authority to proffer such application. (d) An agreement by invitation from the permittee, allowing duly authorized agents of the ABC Board or other duly commissioned law enforcement officers of the state, county, or municipality in which the permitted establishment is located, to enter and search, without a warrant, the permitted premises or any building owned or occupied by the permittee in connection therewith, adjoining, adjacent to, or part of the curtilage thereof, whether used as a private dwelling or not, at any time.</p>	28-11-7(e)
20-X-23.-01 (cont.)	Information Required From Applicants for Tobacco Permits (cont.)	<p>(e) If requested by the ABC Board, evidence of ownership or lease of the real property where the permittee's business will be located, as follows: 1. If applicant owns property, a copy of the recorded deed as evidence of ownership. 2. If applicant has a contract to purchase property, a copy of the recorded sales contract. 3. If applicant is leasing the property, a copy of the lease agreement, including information regarding: (i) Lessor's primary business; (ii) Lessor's involvement in any way with the tobacco business; and (iii) Any further interest in, or connection with, the licensee's business by the lessor. (g) Such other information as may, at their discretion, be requested by the ABC Board or agents thereof. (2) In the event any false, incorrect, or incomplete information or statements are found on an application for a permit, the permittee is subject to revocation, or other disciplinary action by the ABC Board, at its discretion, and no waiver, estoppel, or laches will run against the State of Alabama, or the ABC Board, in connection with any false, incorrect, or incomplete information or statements made by an applicant on an application.</p>	

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-23-.01 (cont.)	Information Required From Applicants for Tobacco Permits (cont.)	(3) It shall be the prerogative of the ABC Board, as part of the permit application procedure, to verify the truthfulness and veracity of all information contained within a permit application. Verification may include, but is not be limited to, personal interviews and community comment, as well as criminal background information analysis through the Alabama Criminal Justice Information Center (ACJIC). (4) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.	
20-X-23-.02	Renewal of Tobacco Permits	(1) A renewal application for a tobacco permit must be filed with the ABC Board on or before August 1 of each year. (2) Failure to file for a tobacco permit renewal on or before August 1 in any year shall be cause for the ABC Board to not renew the permit. This will require submission for a new application if the permittee desires to continue to sell tobacco products. (3) When an original tobacco permit is issued after August 1 of a permit year, a renewal application shall be filed simultaneously with the issuance of the original permit.	28-11-7(e)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-23-.03	Change of Ownership, Management or Name of Permitted Establishments	<p>(1) ABC Board permits shall be deemed to expire, terminate, or otherwise be void when there is a substantial change of ownership in the permitted business; when a permitted business is leased, rented or abandoned, or when possession is otherwise surrendered to another party or parties. However, a permit may be transferred as provided by statutes and these regulations. (2) Upon the death of an individual permittee, sale of the permitted business, temporary closing of the permitted business, or other interruption in the operation of a permitted business, the permit shall immediately be delivered to the local ABC Board field office, to be held pending the reopening of said business according to these regulations. However, where there is a surviving partner in a partnership entity possessing a permit, or a surviving spouse of a deceased permittee, such survivor may complete the current permit year without obtaining a new permit, provided: (a) the survivor notifies the ABC Board in writing within twenty (20) days after the death of the permittee, and (b) the survivor is otherwise qualified to hold a permit. A surviving spouse must complete a new application and receive local and state approval prior to operation the next permit year. (3) When a permitted corporation elects new officers or directors, said corporation shall notify the ABC Board in writing within twenty (20) days thereafter. This letter shall contain the names, positions, social security numbers, places of birth, dates of birth, home addresses and how long the newly elected officials have lived at said addresses. Social security numbers shall be disclosed for investigative purposes only. This section shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges. (4) When a noncorporate permittee has a change of ownership effecting 20% or more thereof, the permittee shall notify the ABC Board in writing within twenty (20) days thereafter, and a transfer application shall be submitted by the new entity created by such change of ownership. No person shall become owner, manager, or otherwise interested in the operation of a noncorporate permitted premise. (5) Additional information concerning permitted businesses shall be submitted when requested by the ABC Board. (6) In the event an ABC Board permittee changes its trade name during a permit year, the permittee must notify the ABC Board within twenty (20) days of such change. (7) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.</p>	28-11-7(d)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-23-.04	Permit Transfer	(1) A tobacco permit issued by the ABC Board is not transferable or assignable except as herein provided. (2) If a location for which a permit is obtained is sold or transferred, the permit shall be transferred to the person obtaining control of the location and shall be valid for thirty (30) days after the property transfer. (3) If the transferee continues to desire to sell tobacco products, a new permit shall be obtained within thirty (30) days of such property transfer.	28-11-4, 28-11-7(d)

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-23-.05	Suspension or Revocation of Permit	<p>(1) Upon suspension or revocation of a permit and during the interim between the date on which notice of final adjudication of suspension or revocation is given to the permittee and the effective ending date of such suspension or revocation, the permittee is prohibited from purchasing tobacco products under said permit. (2) During a period of suspension, no new or different permit will be issued to any other applicant for the same location or in the same business name, as that of the suspended permittee; provided, however, this section is not intended to prohibit innocent landlords or lessors from exercising contractual rights under a rental agreement or a written lease in the event of default by a tenant or lessee. (3) Immediately following a final adjudicated decision on the question of suspension or revocation, a notice thereof shall be mailed to all appropriate peace officers in the county where the affected permit is located. Notice shall also be mailed to all wholesalers of tobacco products operating in the territory of the affected permit. (4) During a period of suspension, no tobacco products may be possessed, stored or sold, by the permittee on the permitted premises. (5) During the period of suspension or revocation of an ABC Board permit, the permittee shall post a sign, supplied by the ABC Board, on the permitted premises stating that their permit has been suspended or revoked. The sign for a suspended permit shall read: "The privilege of selling tobacco products for these premises has been suspended by the Alabama Alcoholic Beverage Control Board from (Date) to (Date)." The sign for a revoked permit shall read: "The Alabama Alcoholic Beverage Control Board Permit Has Been Revoked for These Premises from (Date) to (Date)." This sign shall be displayed in a conspicuous location in or on a front window or door and shall be readily visible from outside the premises. (6) Within ten (10) days from the beginning of any period of revocation, a compliance inspection of the premises by agents of the ABC Board shall be allowed, to ensure the removal of tobacco products from the premises if said premises is open for business to the general public, members or guests during the period of suspension or revocation.</p>	28-11-4, 28-11-9
20-X-24-.01	Minors (Tobacco)	<p>(1) It shall be unlawful: (a) For any person to sell, furnish, give to or purchase for any minor, tobacco products; or to attempt to sell, furnish, give to or purchase for any minor, tobacco products. (b) For any minor to purchase, use, possess, or to transport tobacco products within this state. (c) For any minor to falsely represent that they are of legal age, and by means of such false representation, buy, receive, or otherwise obtain, or attempt to buy, receive, or otherwise obtain any tobacco products. (d) For any person to falsely represent or attempt to falsely represent that a minor is of legal age, and by means of such false representation, aid and abet, or attempt to aid or abet, such minor to buy, receive or otherwise obtain tobacco products. (e) For a permittee, employee or agent thereof to accept any proof of legal age from a person purchasing or attempting to purchase tobacco products, except for the following: 1. A valid driver's license of any state. 2. A valid United States Uniformed Service Identification. 3. A valid passport.</p>	28-11-4, 28-11-13, 13A-12-3

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-25-.01	Training by Responsible Vendor Program Division	<p>(1) The Responsible Vendor Program Division of the ABC Board shall conduct an informational and educational campaign to inform permittees of the requirements of the law. Training sessions will be available to all permit holders and/or their employees. The location, date and time of training sessions shall be published in advance. Attendance shall be by reservation. (2) Upon conviction for a first violation, if the violation is by an employee, the Board or Hearing Commission may offer the permit holder an opportunity to send his/her employee(s) to an educational training session administered by the Responsible Vendor Program Division in lieu of an administrative fine upon the permit holder and the employee. The permit holder shall be notified of the location, date and time of training session.</p>	28-11-4

Rule Citation	Short Description	Regulatory Text	Statutory Authority
20-X-26-.01	Use of Minor Operatives	<p>(1) The following procedures shall govern the use of minor operatives by the ABC Board for purposes of undercover operations: (a) The Director of Enforcement or his specific designee shall provide prior written authorization for every undercover operation utilizing minor operatives. It shall be the responsibility of the agent to furnish to the district supervisor a proposed operational plan for said approval. (b) In the absence of approval by a juvenile court, no minor shall be used in an undercover operation unless a parent or guardian of said minor has first provided written consent thereto. (c) Each minor utilized in undercover operations shall have been previously approved by the Director of Enforcement or his specific designee. Before such approval shall be given, the Director shall review any juvenile court approval secured or parental consent, proof of age and a reasonably current photograph of the minor. A separate file shall be maintained by the ABC Board for every minor operative. Said file shall contain proof of parental or court consent, proof of age, a current photograph, department approval and a summary of every minor operation performed by said individual. (d) The activities of a minor participating in an undercover operation shall be video taped, except where circumstances of the operation renders the same useless or prohibited, or unless the video taping thereof is deemed to place the minor in a situation of peril. In all cases the undercover activities of the minor shall be recorded by means of audio tape. In cases where the minor shall not remain visible to ABC Board agents during the entire undercover operation, said audio transmissions must be received and monitored by ABC Board agents during the operation. (e) All monies used by a minor in an undercover operation shall have first been marked or otherwise identified. Whenever possible or practicable, said monies shall be recovered for use as evidence. In such cases, the ABC Board Enforcement agent shall provide a receipt to the licensee personnel thereof for such money taken.</p>	13A-3-22, 28-11-3
20-X-27-.01	Operation of Permitted Premises	"All ABC permittees shall display their current ABC permits in public view"	28-11-8